

**THE SEVENTY-FIRST DAY**

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CARSON CITY (Monday), April 15, 2019

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Hambrick and Spiegel, who were excused.

Prayer by the Chaplain, Pastor Sarah Johnson.

Almighty and everlasting Creator, guide this Assembly as they work through this session, that they may be just in purpose, wise in counsel, and unwavering in duty. May those who hold power understand it is a trust from You to be used for the service of all Your children. Help them seek Your justice, to love Your kindness, and to walk humbly in the administration of their solemn responsibilities as they uphold the honor of our state and nation while securing the protection of all. Grant them the spirit of wisdom today and every day. Let it be so.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson 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.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELLEN B. SPIEGEL, *Chair*

*Mr. Speaker:*

Your Committee on Education, to which were referred Assembly Bills Nos. 459, 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TYRONE THOMPSON, *Chair*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 174, 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 Government Affairs, to which was referred Assembly Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

EDGAR FLORES, *Chair*

*Mr. Speaker:*

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 467, 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 340, 471, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 260, 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 were referred Assembly Bills Nos. 109, 110, 120, 164, 183, 195, 266, 285, 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

*Mr. Speaker:*

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 450, 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA JAUREGUI, *Chair*

*Mr. Speaker:*

Your Committee on Taxation, to which were referred Assembly Bills Nos. 445, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DINA NEAL, *Chair*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

### NOTICE OF EXEMPTION

April 11, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 128.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 366.

CINDY JONES

*Fiscal Analysis Division*

April 12, 2019

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Assembly Bill No. 256 is not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

RICHARD S. COMBS

*Director*

April 14, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 49, 209, 215, 238, 245, 254, 275, 276, 293, 298, 302, 310, 312, 319, 321, 322, 323, 344, 346, 352, 361, 366, 368, 375, 377, 378, 381, 386, 408, 418, 425, 427, 446, 447, 467, 472, 482, 483, 484 and 488.

MARK KRMPOTIC

*Fiscal Analysis Division*

## WAIVER OF JOINT STANDING RULES

A Waiver requested by Assembly Committee on Government Affairs.

For: Assembly Bill No. 4.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 12, 2019.

SENATOR NICOLE J. CANNIZZARO

*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON

*Speaker of the Assembly*

A Waiver requested by Assembly Committee on Commerce and Labor.

For: Assembly Bill No. 68.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 12, 2019.

SENATOR NICOLE J. CANNIZZARO

*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON

*Speaker of the Assembly*

A Waiver requested by Assembly Committee on Judiciary.

For: Assembly Bill No. 125.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 12, 2019.

SENATOR NICOLE J. CANNIZZARO

*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON

*Speaker of the Assembly*

A Waiver requested by Assembly Committee on Judiciary.

For: Assembly Bill No. 325.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 12, 2019.

SENATOR NICOLE J. CANNIZZARO

*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON

*Speaker of the Assembly*

A Waiver requested by Assembly Committee on Commerce and Labor.

For: Assembly Bill No. 456.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 12, 2019.

SENATOR NICOLE J. CANNIZZARO  
*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON  
*Speaker of the Assembly*

A Waiver requested by Assemblywoman Carlton.

For: BDR No. 43-1265:

To Waive:

Subsection 1 of Joint Standing Rule No. 14 (Committee requests of each house must be requested by 15th day).

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 12, 2019.

SENATOR NICOLE J. CANNIZZARO  
*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON  
*Speaker of the Assembly*

A Waiver requested by Senator Woodhouse.

For: BDR No. 54-1162:

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, April 12, 2019.

SENATOR NICOLE J. CANNIZZARO  
*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON  
*Speaker of the Assembly*

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12 noon.

ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

## SECOND READING AND AMENDMENT

Assembly Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 34.

AN ACT relating to corrections; requiring the Director of the Department of Corrections to clearly indicate whether or not the full legal name and age of the offender has been verified upon the issuance of a photo identification card to an offender who is to be released; revising the documents which may be furnished to the Department of Motor Vehicles as proof of the full legal name and age of an applicant for a driver's license or identification card; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Director of the Department of Corrections to provide to an offender upon the offender's release from prison and if the prisoner requests it: (1) a photo identification card containing the name, the date of birth and a color picture of the offender; and (2) information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment if the offender is eligible to acquire a driver's license or identification card from the Department of Motor Vehicles. Existing law also requires the Director to verify the full legal name and age of an offender by obtaining certain documents to prove the name and age of the offender before providing such a photo identification card. (NRS 209.511) **Section 1** of this bill requires the Director to clearly indicate on the photo identification card whether or not the full legal name and age of the offender has been verified pursuant to existing law.

Existing law requires an applicant for a driver's license or identification card to furnish proof of his or her full legal name and age by providing either: (1) an original or certified copy of certain documents; or (2) a photo identification card issued by the Department of Corrections. (NRS 483.290, 483.860) **Sections 2 and 3** of this bill require a photo identification card issued by the Department of Corrections used for this purpose to clearly indicate that the full legal name and age of the applicant was verified pursuant to existing law.

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

**Section 1.** NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

3. ~~Except as otherwise provided in subsection 4, when~~ **When** an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(f) May provide the offender with clothing suitable for reentering society;

(g) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

4. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 3 unless **the photo identification card clearly indicates whether** the Director ~~has~~:

(a) **Has** verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card ~~+~~; **or**

*(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).*

5. The costs authorized in paragraphs (a), (e), (f), (g) and (i) of subsection 3 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

6. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

7. As used in this section:

(a) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment Services instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

**Sec. 2.** NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 ~~+~~ ***which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.***

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

4. At the time of applying for a driver's license, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.



9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

**Sec. 3.** NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 ~~††~~ *which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.*

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

**Sec. 4. This act becomes effective upon passage and approval.**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 70.

AN ACT relating to criminal procedure; increasing the time for law enforcement officers to execute and return search warrants to obtain DNA samples; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a search warrant may be executed and returned only within 10 days after its date. (NRS 179.075) **Section 1** of this bill provides an exception to that requirement and specifies that if a search warrant provides for the collection of a biological specimen from a person, the warrant may be executed and returned within ~~1 year~~ **6 months** after its date. **Section 5** of this bill provides that such an exception applies to a search warrant that is issued on or after October 1, 2019.

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

**Section 1.** Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *If a warrant provides for the collection of a biological specimen from a person, the warrant may be executed and returned within ~~1 year~~ 6 months after its date.***

**2. *As used in this section, "biological specimen" has the meaning ascribed to it in NRS 176.09112.***

**Sec. 2.** NRS 179.075 is hereby amended to read as follows:

179.075 1. ~~The~~ ***Except as otherwise provided in section 1 of this act,*** a warrant may be executed and returned only within 10 days after its date.

2. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken.

3. The return ~~shall~~ ***must*** be made promptly and ~~shall~~ ***must*** be accompanied by a written inventory of any property taken. The inventory ~~shall~~ ***must*** be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and ~~shall~~ ***must*** be verified by the officer.

4. The magistrate shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

**Sec. 3.** NRS 179.015 is hereby amended to read as follows:

179.015 As used in NRS 179.015 to 179.115, inclusive, ***and section 1 of this act,*** the term "property" includes documents, books, papers and any other tangible objects.

**Sec. 4.** NRS 179.115 is hereby amended to read as follows:

179.115 NRS 179.015 to 179.115, inclusive, ***and section 1 of this act*** do not modify any other statute regulating search, seizure and the issuance and execution of search warrants in circumstances for which special provision is made.

**Sec. 5.** The amendatory provisions of this act apply to a search warrant that is issued on or after October 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 17.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 35.

AN ACT relating to bail; revising provisions governing bail in criminal cases; requiring the exoneration of bail under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, when a defendant is released on bail, the bond or undertaking for the bail must apply to: (1) any action or proceeding instituted against the defendant in a justice, municipal or district court arising from the charge on which the bail was originally given; and (2) under certain circumstances, any action or proceeding instituted against the defendant based on a later charge arising out of the same act or omission supporting the original charge. However, if no formal action or proceeding is instituted against the defendant or if such an action or proceeding is dismissed, existing law provides that the court must exonerate the bail, except that the court is required to hold the bail for 30 days from the date that the bond or undertaking was posted or the date that the order of dismissal was entered, as applicable, unless the defendant requests that the bail be exonerated before the expiration of the 30-day period. Finally, existing law provides that if the bail is not exonerated before the expiration of the 30-day period and, within that period, the defendant is charged with an offense arising out of the same act or omission supporting the original charge, the bail must not be exonerated, but it must be applied to the action or proceeding instituted against the defendant for the later charge. (NRS 178.502)

**Section 1** of this bill eliminates this existing statutory framework. In its place, **section 1** provides that when a defendant is released on bail, the bond or undertaking for the bail must apply to any action or proceeding instituted against the defendant in a justice, municipal or district court arising from the charge on which the bail was originally given. **Section 1** also provides that the bail must be exonerated by the court if no formal action or proceeding is instituted against the defendant or if such an action or proceeding is dismissed ~~[ ]~~, **except that the court may delay exoneration of the bail for a period not to exceed 30 days under certain circumstances.**

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

**Section 1.** NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS 178.498, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking:

(a) Extends to any action or proceeding in a justice court, municipal court or district court ~~;~~

~~—(1) Arising~~ **arising** from the charge on which bail was first given in any of these courts; and

~~{(2) Arising from a later charge, filed before the expiration of the periods provided in subsection 4, which is substantially similar to the charge upon which bail was first given and is based upon the same act or omission as that charge; and}~~

(b) Remains in effect until exonerated by the court.

↪ This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. ~~{If}~~ **Except as otherwise provided in subsection 5, the court shall exonerate the bond or undertaking for bail if:**

(a) ***The*** action or proceeding against a defendant who has been admitted to bail is dismissed ~~;~~ ~~the bail must not be exonerated until a period of 30 days has elapsed from the entry of the order of dismissal unless the defendant requests that bail be exonerated before the expiration of the 30-day period. If not~~ ; or

(b) ***No*** formal action or proceeding is instituted against a defendant who has been admitted to bail . ~~;~~ ~~the bail must not be exonerated until a period of 30 days has elapsed from the day the bond or undertaking is posted unless the defendant requests that bail be exonerated before the expiration of the 30-day period.~~

~~—5. If, within the periods provided in subsection 4, the defendant is charged with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the prosecuting attorney shall forthwith notify the clerk of the court where the bond was posted.~~

5. The court may delay exoneration of the bond or undertaking for bail for a period not to exceed 30 days if, at the time the action or proceeding against a defendant who has been admitted to bail is dismissed, the defendant:

(a) Has been indicted or is charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given; or

(b) Requests to remain admitted to bail in anticipation of being later indicted or charged with a public offense which is the same or substantially similar to the charge upon which bail was first given and which arises out of the same act or omission supporting the charge upon which bail was first given.

↳ If the defendant has already been indicted or charged, or is later indicted or charged, with a public offense arising out of the same act or omission supporting the charge upon which bail was first given, the bail must be applied to the public offense for which the defendant has been indicted or charged or is later indicted or charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail or electronically transmit notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. ~~5.~~ Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 24.

Bill read second time and ordered to third reading.

Assembly Bill No. 25.

Bill read second time.

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

Amendment No. 218.

AN ACT relating to contractors; authorizing the State Contractors' Board to delegate to a hearing officer or panel its authority to hold certain hearings; ~~repealing~~ **expanding** the period during which an applicant for licensure as a contractor must have received certain experience before applying for licensure; repealing provisions which require an applicant for renewal of a contractor's license who will engage in residential construction to submit certain financial information to the Board; ~~repealing provisions which limit~~ **expanding** the period ~~of validity of~~ **during which** a license ~~which is~~ **may be** placed on inactive status; authorizing a licensee who was on active duty in

the Armed Forces of the United States, a reserve component thereof or the ~~(Nevada)~~ National Guard to apply to have his or her contractor's license reinstated under certain circumstances; repealing provisions which prohibit a telephone number to a provider of paging services used in certain unlawful advertising from being disconnected; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, if the State Contractors' Board denies an application for issuance or renewal of a contractor's license, the applicant for the license may submit a written request to the Board for a hearing concerning the denial of the application. If the applicant submits a written request, the Board is required to hold a hearing. (NRS 624.2545) **Section 1** of this bill: **(1)** authorizes the Board to delegate to a hearing officer or panel its authority to hold a hearing concerning the denial of the license. ~~[ ]~~; **and (2) requires the Board to adopt regulations setting forth the qualifications for a hearing officer.**

Under existing law, an applicant for a contractor's license or a licensee must show such experience, financial responsibility and general knowledge of the building, safety, health and lien laws of the State of Nevada as are required by the Board. In addition, each applicant for licensure as a contractor is required to have acquired at least 4 years of experience as a journeyman, foreman, supervising employee or contractor within the 10 years immediately preceding the date of filing of the application. (NRS 624.260) **Section 2** of this bill ~~[repeals]~~ **increases** the 10-year requirement ~~[and repeals a certain exception to that requirement.]~~ **to 15 years.**

Under existing law, if an applicant for a contractor's license will engage in residential construction and the applicant has not held a contractor's license within the 2 years immediately preceding the date the application is submitted to the Board, the applicant is required to establish his or her financial responsibility by submitting a financial statement and other information to the Board. If the Board issues a contractor's license to the applicant, the applicant is required, for the first 2 years after the issuance of the license, to submit with each application for the renewal of his or her license a financial statement and other information to the Board. (NRS 624.264) **Section 3** of this bill repeals the requirement for the submission of a financial statement and other information with each application for the renewal of the license.

Under existing law, if a contractor's license is placed on inactive status, the license may remain on inactive status for 5 years. (NRS 624.282) **Section 4** of this bill ~~[repeals]~~ **increases** the 5-year limitation on the inactive status of the license. ~~[ ]~~ **to 8 years.**

Under existing law, each contractor's license expires 2 years after the date on which it was issued or on another date established by regulations of the Board. A license which is not renewed before the date for the renewal of the license is automatically suspended. (NRS 624.283) **Section 5** of this bill: (1) authorizes a licensee whose license is automatically suspended while he or she was on active duty in the Armed Forces of the United States, a reserve

component thereof or the ~~(Nevada)~~ National Guard to submit an application to the Board requesting the reinstatement of his or her license without the imposition of a penalty or disciplinary action; (2) sets forth the requirements for the Board to reinstate the license; and (3) authorizes the Board to waive the fee for renewal of the license.

Under existing law, it is unlawful for a person to advertise as a contractor unless the person has a contractor's license in the appropriate classification for the license. If the Board determines that a person violated the prohibition against unlawful advertising, the Board may, in addition to taking certain other actions, cause any telephone number included in the advertising to be disconnected, other than a telephone number to a provider of paging services. **Section 6** of this bill repeals the provisions which prohibit the Board from causing the telephone number of a provider of paging services to be disconnected.

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

**Section 1.** NRS 624.2545 is hereby amended to read as follows:

624.2545 1. If the Board denies an application for issuance or renewal of a license pursuant to this chapter, the Board shall send by certified mail, return receipt requested, written notice of the denial to the most current address of the applicant set forth in the records of the Board.

2. A notice of denial must include, without limitation, a statement which explains that the applicant has a right to a hearing before the Board if the applicant submits a written request for such a hearing to the Board within 60 days after the notice of denial is sent to the address of the applicant pursuant to this section.

3. If an applicant who receives a notice of denial pursuant to this section desires to have the denial reviewed at a hearing before the Board, the applicant must submit a written request for a hearing before the Board concerning the denial within 60 days after the notice of denial is sent to the applicant's address. If an applicant does not submit notice in accordance with this subsection, the applicant's right to a hearing shall be deemed to be waived.

4. Except as otherwise provided in this subsection, if the Board receives notice from an applicant pursuant to subsection 3, the Board shall hold a hearing on the decision to deny the application of the applicant within 90 days after the date the Board receives notice pursuant to subsection 3. If an applicant requests a continuance and the Board grants the continuance, the hearing required pursuant to this subsection may be held more than 90 days after the date the Board receives notice pursuant to subsection 3. ***The Board may delegate to a hearing officer or panel its authority to hold a hearing concerning the denial of an application pursuant to this section. The Board shall adopt regulations setting forth the qualifications for a hearing officer.***

**Sec. 2.** NRS 624.260 is hereby amended to read as follows:

624.260 1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.

2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:

(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.

(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.

↪ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.

3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:

(a) To make technical and administrative decisions;

(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and

(c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.

4. If, pursuant to subsection 2, an applicant or licensee intends to qualify by the appearance of another person, the Board may inquire into and consider any previous business experience of, and any prior and pending lawsuits, liens and judgments against, the other person.

5. A natural person may not qualify on behalf of another for more than one active license unless:

(a) One person owns at least 25 percent of each licensee for which the person qualifies;

(b) One licensee owns at least 25 percent of the other licensee; or

(c) One licensee is a corporation for public benefit as defined in NRS 82.021.

6. Except as otherwise provided in subsection 7, in ~~addition~~ addition to the other requirements set forth in this section, each applicant for licensure as a



contractor must have had within the ~~10~~ 15 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a journeyman, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.

7. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the applicant is applying for licensure, the experience required pursuant to subsection 6 need not be accrued within the ~~10~~ 15 years immediately preceding the application.

8. As used in this section, "journeyman" means a person who:

(a) Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or

(b) Has successfully completed:

(1) A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship Council; or

(2) An equivalent program accepted by the Board.

**Sec. 3.** NRS 624.264 is hereby amended to read as follows:

624.264 1. In addition to any other requirements set forth in this chapter, if an applicant will engage in residential construction and the applicant or the natural person qualifying on behalf of the applicant pursuant to NRS 624.260 has not held a contractor's license issued pursuant to this chapter within the 2 years immediately preceding the date that the application is submitted to the Board, the Board shall require the applicant to establish financial responsibility by submitting to the Board:

(a) A financial statement that is:

(1) Prepared by an independent certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) Any other information required by the Board.

2. Before the Board may issue a contractor's license to the applicant, the Board must determine whether, based on the financial information concerning the applicant, it would be in the public interest to do any or all of the following:

(a) Require the applicant to obtain the services of a construction control with respect to any money that the applicant requires a purchaser of a new residence to pay in advance to make upgrades to the new residence. If the Board imposes such a requirement, the applicant may not:

(1) Be related to the construction control or to an employee or agent of the construction control; or

(2) Hold, directly or indirectly, a financial interest in the business of the construction control.

(b) Establish an aggregate monetary limit on the contractor's license, which must be the maximum combined monetary limit on all contracts that the

applicant may undertake or perform as a licensed contractor at any one time, regardless of the number of contracts, construction sites, subdivision sites or clients. If the Board establishes such a limit, the Board:

- (1) Shall determine the period that the limit is in effect; and
- (2) During that period, may increase or decrease the limit as the Board deems appropriate.

~~3.— If the Board issues a contractor's license to an applicant described in subsection 1, for the first 2 years after the issuance of the license, the licensee must submit to the Board, with each application for renewal of the license:~~

~~—(a) A financial statement that is:~~

- ~~—(1) Prepared by an independent certified public accountant; or~~
  - ~~—(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and~~
- ~~—(b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.~~

~~4.— Before the Board may renew the contractor's license of the licensee, the Board must determine whether, based on the financial information concerning the licensee, it would be in the public interest to do any or all of the following:~~

~~—(a) Require the licensee to obtain the services of a construction control with respect to any money that the licensee requires a purchaser of a new residence to pay in advance to make upgrades to the new residence. If the Board imposes such a requirement, the licensee may not:~~

- ~~—(1) Be related to the construction control or to an employee or agent of the construction control; or~~
- ~~—(2) Hold, directly or indirectly, a financial interest in the business of the construction control.~~

~~—(b) Establish an aggregate monetary limit on the contractor's license, which must be the maximum combined monetary limit on all contracts that the licensee may undertake or perform as a licensed contractor at any one time, regardless of the number of contracts, construction sites, subdivision sites or clients. If the Board establishes such a limit, the Board:~~

- ~~—(1) Shall determine the period that the limit is in effect; and~~
- ~~—(2) During that period, may increase or decrease the limit as the Board deems appropriate.]~~

**Sec. 4.** NRS 624.282 is hereby amended to read as follows:

624.282 1. A contractor may apply to the Board to have his or her license placed on inactive status. The Board may grant the application if the license is in good standing and the licensee has met all requirements for the issuance or renewal of a contractor's license as of the date of the application.

2. If the application is granted, the licensee shall not engage in any work or activities that require a contractor's license in this State unless the licensee is returned to active status.

3. A person whose license has been placed on inactive status pursuant to this section is exempt from:

(a) The requirement to execute and maintain a bond pursuant to NRS 624.270; and

(b) The requirement to qualify in regard to his or her experience and knowledge pursuant to NRS 624.260.

4. The inactive status of a license is valid for ~~5~~ 8 years after the date that the inactive status is granted.

5. The Board shall not refund any portion of the renewal fee of a contractor's license that was paid before the license was placed on inactive status.

6. ~~5.7~~ The Board shall adopt regulations prescribing the:

(a) Procedures for making an application pursuant to this section;

(b) Procedures and terms upon which a person whose license has been placed on inactive status may resume work or activities that require a contractor's license; and

(c) Fees for the renewal of the inactive status of a license.

**Sec. 5.** NRS 624.283 is hereby amended to read as follows:

624.283 1. Each license issued under the provisions of this chapter expires 2 years after the date on which it is issued, except that the Board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered biennial renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. ~~1A~~ ***Except as otherwise provided in subsection 5, a*** license may be renewed by submitting to the Board:

(a) An application for renewal;

(b) The fee for renewal fixed by the Board;

(c) Any assessment required pursuant to NRS 624.470 if the holder of the license is a residential contractor as defined in NRS 624.450; and

(d) All information required to complete the renewal.

3. The Board may require a licensee to demonstrate financial responsibility at any time through the submission of:

(a) A financial statement that is:

(1) Prepared by an independent certified public accountant; or

(2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and

(b) If the licensee performs residential construction, such additional documentation as the Board deems appropriate.

4. ~~1B~~ ***Except as otherwise provided in subsection 5, if*** a license is automatically suspended pursuant to subsection 1, the licensee may have the license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the Board, if the licensee is otherwise in good standing and there are no complaints pending against the licensee. If the licensee is otherwise not in good standing or there is a complaint pending, the Board shall

require the licensee to provide a current financial statement prepared by an independent certified public accountant or establish other conditions for reinstatement. An application for renewal must be accompanied by all information required to complete the renewal. A license which is not reinstated within 6 months after it is automatically suspended may be cancelled by the Board, and a new license may be issued only upon application for an original contractor's license.

**5. *If a license is automatically suspended pursuant to subsection 1 while the licensee was on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the ~~Nevada~~ National Guard, the licensee may submit an application to the Board requesting the reinstatement of his or her license without the imposition of any penalty, punishment or disciplinary action authorized by the provisions of this chapter. The Board may reinstate the license if:***

***(a) The license was valid at the time the licensee became a member of the Armed Forces of the United States, a reserve component thereof or the ~~Nevada~~ National Guard;***

***(b) The application for reinstatement is submitted while the licensee is serving in the Armed Forces of the United States, a reserve component thereof or the ~~Nevada~~ National Guard; and***

***(c) Except as otherwise provided in subsection 6, the application for reinstatement is accompanied by an affidavit setting forth the dates of service of the licensee and the fee for renewal fixed by the Board pursuant to subsection 2.***

**6. *The Board may waive the fee for renewal of a license for a licensee specified in subsection 5 if:***

***(a) The license was valid at the time the licensee was called to active duty in the Armed Forces of the United States, a reserve component thereof or the ~~Nevada~~ National Guard; and***

***(b) The licensee provides written documentation satisfactory to the Board substantiating his or her claim of service on active duty in the Armed Forces of the United States, a reserve component thereof or the ~~Nevada~~ National Guard.***

**Sec. 6.** NRS 624.720 is hereby amended to read as follows:

624.720 1. It is unlawful for any person, including a person exempt under the provisions of NRS 624.031, to advertise as a contractor unless the person has a license in the appropriate classification established by the provisions of NRS 624.215 and 624.220.

2. Notwithstanding any other provision of this chapter, any person not licensed pursuant to the provisions of this chapter who advertises to perform or complete construction work or a work of improvement must state in the advertisement that he or she is not licensed pursuant to this chapter.

3. It is unlawful for a licensed contractor to disseminate, as part of any advertising by the contractor, any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce

another person to use the services of the contractor or to enter into any contract with the contractor or any obligation relating to such a contract.

4. All advertising by a licensed contractor must include the name of the contractor's company and the number of the contractor's license.

5. It is unlawful for any person, whether or not licensed pursuant to this chapter, to advertise to perform or complete construction work or a work of improvement using a license number that does not correspond to a valid license issued to that person under this chapter.

6. If, after giving notice and holding a hearing pursuant to NRS 624.291, the Board determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, issue an order to the person to cease and desist the unlawful advertising and to ~~:-~~

~~—(a) Cause} *cause* any telephone number included in the advertising ~~[- other than a telephone number to a provider of paging services,] to be disconnected.~~~~

~~{(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.}~~

7. If a person fails to comply with ~~{paragraph (a) of}~~ subsection 6 within 5 days after receiving an order pursuant to subsection 6, the Board may request the Public Utilities Commission of Nevada to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement . ~~[- except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 6 within 5 days after receiving an order pursuant to subsection 6, the Board may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.~~

~~—8. If the provider of paging services receives a request from a person pursuant to subsection 6 or a request from the Board pursuant to subsection 7, it shall:~~

~~—(a) Disconnect the paging service to the person; or~~

~~—(b) Switch the beeper number of the paging service provided to the person.~~

~~↪ If the provider of paging services elects to switch the number pursuant to paragraph (b), it shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.~~

~~—9-} 8. As used in this section:~~

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "contractor" with or without any limiting qualifications.

(b) ~~“Beeper” means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.~~

~~—(c) “Provider of paging services” means an entity, other than a public utility, that provides paging service to a beeper.~~

~~—(d) “Provider of telephone service” has the meaning ascribed to it in NRS 707.355.~~

**Sec. 7. Notwithstanding the amendatory provisions of section 4 of this act, if the State Contractors’ Board, before October 1, 2019, places the license of a contractor on inactive status pursuant to NRS 624.282, as amended by section 4 of this act, the license shall be deemed to be inactive for 8 years after the date the inactive status of the license is granted, unless otherwise provided by the Board.**

**Sec. 8. This act becomes effective:**

**1. Upon passage and approval for the purposes of adopting regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and**

**2. On October 1, 2019, for all other purposes.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 33.

Bill read second time and ordered to third reading.

Assembly Bill No. 39.

Bill read second time and ordered to third reading.

Assembly Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 15.

CONTAINS UNFUNDED MANDATE (§§ ~~1-4~~ **1, 2, 4**)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to courts; increasing the number of district judges in the Second, Fourth and Eighth Judicial Districts; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

The Nevada Constitution authorizes the Legislature to increase or decrease the number of district judges. (Nev. Const. Art. 6, § 5) **Section 1** of this bill increases the number of district judges from six to seven who are judges of the family court in the Second Judicial District. (NRS 3.0125) **Section 2** of this bill increases the number of district judges from two to three in the Fourth Judicial District. (NRS 3.014) ~~Section 3 of this bill increases the number of~~

~~district judges from 32 to 38 who are not judges of the family court in the Eighth Judicial District. (NRS 3.018)~~ **Section 4** of this bill increases the number of district judges from 20 to ~~29~~ **26** who are judges of the family court in the Eighth Judicial District. (NRS 3.0185) **Section 5** of this bill sets out the time frame for the election of the additional district judges who will take office on January 4, 2021.

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

**Section 1.** NRS 3.0125 is hereby amended to read as follows:

3.0125 For the Second Judicial District, in addition to the district judges established pursuant to NRS 3.012, there must be ~~six~~ **seven** district judges who are judges of the family court.

**Sec. 2.** NRS 3.014 is hereby amended to read as follows:

3.014 For the Fourth Judicial District there must be ~~two~~ **three** district judges.

~~**Sec. 3.** NRS 3.018 is hereby amended to read as follows:~~

~~3.018 For the Eighth Judicial District there must be ~~32~~ **38** district judges who are not judges of the family court. **(Deleted by amendment.)**~~

**Sec. 4.** NRS 3.0185 is hereby amended to read as follows:

3.0185 For the Eighth Judicial District, in addition to the district judges established pursuant to NRS 3.018, there must be ~~20-29~~ **26** district judges who are judges of the family court.

**Sec. 5.** Each additional district judge required pursuant to the amendatory provisions of sections 1 to 4, inclusive, of this act must be selected at the General Election to be held on November 3, 2020, and take office on January 4, 2021, for a term that expires on January 4, 2027.

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

**Sec. 7.** 1. This section and sections 5 and 6 of this act become effective October 1, 2019.

2. Sections 1 to 4, inclusive, of this act become effective on January 4, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 54.

Bill read second time.

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

Amendment No. 111.

SUMMARY—~~Repeals~~ **Revises** certain provisions relating to energy efficiency. (BDR 58-327)

AN ACT relating to energy efficiency; **revising provisions relating to the energy efficiency of certain lights sold in this State;** repealing obsolete provisions relating to the reduction of grid-based energy purchases for state-owned buildings; ~~repealing provisions relating to the energy efficiency of general purpose lights sold in this state;~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Director of the Office of Energy to prepare a state energy reduction plan to reduce grid-based energy purchases for state-owned buildings by 20 percent by 2015. (NRS 701.215) **Section 2 of this bill eliminates this requirement.**

Existing law also requires the Director to establish a minimum standard of energy efficiency for lumens per watt of electricity consumed that must be produced by general purpose lights sold in this State on and after January 1, 2016. (NRS 701.260) ~~This bill eliminates the requirements for the Director: (1) to prepare a state energy reduction plan to reduce grid-based energy purchases for state-owned buildings by 20 percent by 2015; and (2) to establish a minimum standard of energy efficiency for lumens per watt of electricity. This bill also eliminates the prohibition on~~ **Section 1 of this bill changes the term “general purpose light” to “general service lamp” and requires the Director to adopt by regulation: (1) a definition of “general service lamp”; and (2) a minimum standard of energy efficiency for general service lamps sold in this State on or after January 1, 2020, which must meet or exceed 45 lumens per watt. Section 1 also prohibits** the sale, on or after January 1, ~~2016,~~ **2020,** of general ~~purpose lights~~ **service lamps** that do not meet or exceed **the** minimum standards of energy efficiency established by the Director for lumens per watt of electricity consumed.

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

**Section 1. NRS 701.260 is hereby amended to read as follows:**

701.260 1. ~~Between January 1, 2012, and December 31, 2015, inclusive, no general purpose light may be sold in this State unless it produces at least 25 lumens per watt of electricity consumed.~~

~~2.~~ On and after January 1, ~~2016,~~ **2020,** no general ~~purpose light~~ **service lamp** may be sold in this State unless it meets or exceeds the minimum standard of energy efficiency established by the Director pursuant to subsection ~~2~~ **2** for lumens per watt of electricity consumed.

~~3.~~ **, when tested in accordance with the test procedures for general service lamps prescribed by 10 C.F.R. 430.23(gg).**

**2.** The Director shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation:



(a) Establish a minimum standard of energy efficiency for lumens per watt of electricity consumed that must be produced by general ~~[purpose lights]~~ **service lamps** sold in this State on and after January 1, ~~[2016]~~ **2020**. The minimum standard of energy efficiency established by the Director must **meet or exceed** ~~[25]~~ **45** lumens per watt of electricity consumed.

(b) Attempt to minimize the overall cost to consumers for general ~~[purpose lighting]~~ **service lamps**, considering the needs of consumers relating to lighting, technological feasibility and anticipated product availability and performance.

~~[4. As used in]~~

**3. For the purposes of** this section, ***the Director shall define by regulation*** “general ~~[purpose light]~~” means lamps, bulbs, tubes or other devices that provide functional illumination for indoor or outdoor use. ***service lamp.***” The term ~~[does]~~ **must** not include “specialty lighting” or “lighting necessary to provide illumination for persons with special needs,” as defined by the Director by regulation.

**Sec. 2.** NRS 701.215 ~~[and 701.260 are]~~ **is** hereby repealed.

TEXT OF REPEALED ~~[SECTIONS]~~ **SECTION**

**701.215 Preparation of state energy reduction plan for certain state-owned buildings.**

1. The Director shall prepare a state energy reduction plan which requires state agencies, departments and other entities in the Executive Branch to reduce grid-based energy purchases for state-owned buildings by 20 percent by 2015.

2. In accordance with, and out of any money received pursuant to, the American Recovery and Reinvestment Act of 2009, Public Law 111-5, the Interim Finance Committee may determine an amount of money to be used by the Director to fulfill the requirements of subsection 1.

3. The Director:

(a) Shall use any amount of money provided pursuant to subsection 2 to fulfill the requirements of subsection 1;

(b) May fulfill the requirements of subsection 1 by contracting with one or more qualified independent consultants; and

(c) Shall biannually file reports with the Legislative Commission that:

(1) Indicate the general progress of energy reduction in state buildings; and

(2) Identify any state agency that fails to cooperate with the Director in the design or implementation of the plan prepared pursuant to subsection 1.

~~[701.260 Prohibition against selling certain types of lights; regulations establishing energy efficiency standards for certain types of lights.~~

~~1. Between January 1, 2012, and December 31, 2015, inclusive, no general purpose light may be sold in this State unless it produces at least 25 lumens per watt of electricity consumed.~~

~~2. On and after January 1, 2016, no general purpose light may be sold in this State unless it meets or exceeds the minimum standard of energy efficiency established by the Director pursuant to subsection 3 for lumens per watt of electricity consumed.~~

~~3. The Director shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation:~~

~~(a) Establish a minimum standard of energy efficiency for lumens per watt of electricity consumed that must be produced by general purpose lights sold in this State on and after January 1, 2016. The minimum standard of energy efficiency established by the Director must exceed 25 lumens per watt of electricity consumed.~~

~~(b) Attempt to minimize the overall cost to consumers for general purpose lighting, considering the needs of consumers relating to lighting, technological feasibility and anticipated product availability and performance.~~

~~4. As used in this section, "general purpose light" means lamps, bulbs, tubes or other devices that provide functional illumination for indoor or outdoor use. The term does not include "specialty lighting" or "lighting necessary to provide illumination for persons with special needs," as defined by the Director by regulation.~~

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 62.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 160.

AN ACT relating to water; revising the time period for which the State Engineer may grant an extension for the completion of work for the diversion of water; authorizing, under certain circumstances, the State Engineer to suspend the limitation of time for the completion of work set forth in a permit or an extension previously granted; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Upon approving an application for a permit to appropriate water, existing law authorizes the State Engineer to extend, under certain circumstances, the deadline by which construction related to the appropriation of water or the application of water to a beneficial use must be completed or made. With limited exceptions, any number of extensions may be granted, but a single extension may not exceed 5 years. (NRS 533.380, 533.390, 533.410)

**Section 2** of this bill revises the provisions relating to extending the deadline by which construction related to the appropriation of water must be completed. If a permit has been issued for a project that includes the municipal or quasi-

**municipal** use of water, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 15 years. If a permit has been issued for a project that is not a municipal **or quasi-municipal** use and that includes the diversion of 2 or more cubic feet of water per second or the cultivation of at least 100 acres of land, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 10 years. If a permit has been issued for any other purpose, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 5 years.

**Section 2** also authorizes the State Engineer to suspend the limitation of time for the completion of construction set forth in a permit or any extension if the permit holder submits sufficient proof to the State Engineer demonstrating that the person has been unable to complete the work because of certain pending administrative or court actions.

**Sections 1 and 3** of this bill make conforming changes.

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

**Section 1.** NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

↪ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, ~~grant any number of extensions of~~ **extend the** time within which construction work must be completed ~~or~~ or water must be applied to a beneficial use under any permit therefor issued by the State Engineer ~~, but a single extension of time must not~~

~~exceed 5 years.~~ ***in accordance with the provisions of this section and NRS 533.390 and 533.410.*** An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the good faith and reasonable diligence with which the applicant is pursuing the perfection of the application.

↪ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

↪ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

**Sec. 2.** NRS 533.390 is hereby amended to read as follows:

533.390 1. Any person holding a permit from the State Engineer shall, on or before the date set for the completion of the work, file in detail a description of the work as actually constructed. This statement must be verified by the affidavit of the applicant or the applicant's agent or attorney.

2. Should any person holding a permit from the State Engineer fail to file with the State Engineer the proof of completion of work, as provided in this chapter, the State Engineer shall advise the holder of the permit, by registered or certified mail, that it is held for cancellation, and should the holder, within 30 days after the mailing of such advice, fail to file the required affidavit, the State Engineer shall cancel the permit. For good cause shown, upon application made prior to the expiration of the 30-day period, the State Engineer may, in his or her discretion, grant ~~an extension~~ *one or more extensions* of time in which to file the instruments. *If a permit has been issued for:*

*(a) A project that includes the municipal or quasi-municipal use of water, the State Engineer may extend the deadline for the completion of work for not more than 15 years from the date set for the completion of the work. In addition to the requirements set forth in NRS 533.380, the person holding the permit must demonstrate to the State Engineer that:*

*(1) Additional time is necessary to organize the financing and construction of the work due to the size of the project; and*

*(2) The person has spent at least \$50,000 on the construction of the work, including, without limitation, expenditures for the purchase of rights-of-way or property.*

*(b) A project that does not include the municipal or quasi-municipal use of water and includes the diversion of 2 or more cubic feet of water per second or the cultivation of 100 acres of land or more, the State Engineer may extend the deadline for the completion of work for not more than 10 years from the date set for the completion of the work in the permit.*

*(c) Any other purpose, the State Engineer may extend the deadline for the completion of work for not more than 5 years from the date set for the completion of the work in the permit.*

3. *The limitation of time for the completion of work set forth in a permit or an extension granted pursuant to this section may be suspended by the State Engineer if, at the time that proof of completion of work is due pursuant to the permit or an extension, as applicable, the person holding the permit submits to the State Engineer sufficient proof that the person has been unable to complete the work because of a pending:*

*(a) Application with the Federal Government, the State or a local government for some type of consent or approval that is necessary to complete construction of the project, including, without limitation, a right-of-way or any permit or other approval related to development of land.*

*(b) Court action or adjudication which may affect the person's water rights which are involved in the project.*

↪ *The person holding the permit is not required to submit an application or fee for an extension in order for the State Engineer to suspend the limitation of time for completion of the work pursuant to this subsection.*

**Sec. 3.** NRS 533.410 is hereby amended to read as follows:

533.410 If any holder of a permit from the State Engineer fails, before the date set for filing in the permit or the date set by any extension granted by the State Engineer, to file with the State Engineer proof of application of water to beneficial use, and the accompanying map, if a map is required, the State Engineer shall advise the holder of the permit, by registered or certified mail, that the permit is held for cancellation. If the holder, within 30 days after the mailing of this notice, fails to file with the State Engineer the required affidavit and map, if a map is required, or an application for an extension of time to file the instruments, the State Engineer shall cancel the permit. For good cause shown, upon application made before the expiration of the 30-day period, the State Engineer may grant an extension of time in which to file the instruments. *The State Engineer may grant any number of extensions pursuant to this section but a single extension of time must not exceed 5 years.*

**Sec. 4.** This act becomes effective upon passage and approval.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 63.

Bill read second time and ordered to third reading.

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 119.

AN ACT relating to education; revising provisions governing the calculation of apportionments to charter schools for pupils enrolled full-time in programs of distance education; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Superintendent of Public Instruction is required to apportion the State Distributive School Account in the State General Fund among the school districts, charter schools and university schools for profoundly gifted pupils. (NRS 387.124) Existing law provides various formulas for the calculation of the apportionment of funding to certain charter schools. (NRS 387.1241) **Section 1** of this bill creates formulas for the calculation of the apportionment to charter schools for pupils who are enrolled full-time in a program of distance education, depending on ~~how many pupils~~

~~are enrolled in] the county [school district] in which [the charter school is located.] **each such pupil resides.**~~

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

**Section 1.** NRS 387.1241 is hereby amended to read as follows:

387.1241 Except as otherwise provided in this section and NRS 387.124, 387.1242, 387.1244 and 387.528:

1. The apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.163 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 388A.414 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more

than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

2. The apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.163 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 388A.414 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

3. ~~The apportionment to a charter school, in a county school district in which 25,000 or fewer pupils are enrolled,]~~ for pupils who are enrolled full-time in a program of distance education ~~]~~ and reside in a county school district in which 5,000 or fewer pupils are enrolled, computed on a yearly basis, is equal to the estimated weighted average per pupil basic support guarantee calculated as described in NRS 387.122 and established by law for all the school districts and charter schools within this State ~~]~~ plus the amount of local funds available per pupil pursuant to NRS 387.163 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 388A.414 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. ~~The apportionment to a charter school, in a county school district in which more than 25,000 pupils are enrolled,]~~

*full-time in a program of distance education ~~and~~ and reside in a county school district in which more than 5,000 pupils are enrolled, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides ~~and~~ plus the amount of local funds available per pupil pursuant to NRS 387.163 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 388A.414 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.*

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

**Sec. 2.** NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, all school money due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

2. Except as otherwise provided in NRS 387.528, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the State Treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this title and regulations adopted pursuant thereto.

4. Except as otherwise provided in this subsection, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, all school money due each charter school must be paid over by the State Treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public



Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection ~~3~~ 5 of NRS 387.1241, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the State Treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.

5. Except as otherwise provided in this subsection, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, all school money due each university school for profoundly gifted pupils must be paid over by the State Treasurer to the governing body of the university school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to NRS 387.1242, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the university school must be paid by the State Treasurer to the governing body of the university school on July 1, October 1, January 1 or April 1, as applicable.

**Sec. 3.** NRS 388A.417 is hereby amended to read as follows:

388A.417 1. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school.

2. The count of pupils who are enrolled in the charter school must be revised each quarter based on the average daily enrollment of pupils in the charter school that is reported for that quarter pursuant to NRS 387.1223.

3. Pursuant to subsection ~~3~~ 5 of NRS 387.1241, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

4. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 and 387.1241 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

**Sec. 4.** This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:  
Amendment No. 37.

AN ACT relating to criminal offenders; revising provisions relating to the residential confinement of violators of parole; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a parole or probation officer or certain peace officers to arrest a parolee: (1) upon the written order for the parolee's arrest from the State Board of Parole Commissioners; or (2) without a warrant when there is probable cause to believe that the parolee violated his or her parole. (NRS 213.151) Under existing law, upon such an arrest, and once it is determined at an inquiry that there is probable cause to believe that such a violation occurred, a hearing will be scheduled before the Board. At such a hearing, the Board is authorized to order a parolee to a term of residential confinement instead of suspending his or her parole and returning the parolee to confinement. (NRS 213.1511, 213.1517, 213.152) **Section 3** of this bill ~~alternatively requires~~ **authorizes** the Board to order such a parolee to a term of residential confinement once the Board receives from the Division of Parole and Probation of the Department of Public Safety: (1) the parolee's voluntary waiver of his or her hearing before the Board; (2) the parolee's agreement to a term of residential confinement; and (3) the Division's request for the parolee's residential confinement.

Existing law authorizes the Chief Parole and Probation Officer of the Division of Parole and Probation to order any parolee, who is arrested for any act that would constitute a violation of his or her parole, to be placed in residential confinement pending an inquiry to determine whether there is probable cause for such a violation. (NRS 213.15105) **Section 2** of this bill authorizes the Chief Parole and Probation Officer, in lieu of arresting a parolee for a violation of his or her parole, to order such a parolee to a term of residential confinement if **certain requirements are met and** the Chief receives the parolee's: (1) voluntary waiver of his or her right to an inquiry and hearing to contest the alleged violation of parole; and (2) agreement to a term of residential confinement. **Section 2 requires the Division to advise a parolee in writing of his or her right to consult with counsel before the parolee signs such documents or a form used by the Division as a waiver of a hearing to modify the conditions of parole. Section 2 also provides that if a parolee exercises such a right, the parolee must be given a period of not less than 3 business days and not more than 6 calendar days to consult with his or her counsel, but authorizes the Division to extend such a period for good cause shown. Section 2 ~~also~~ additionally: (1) authorizes the Board to review ~~such~~ an order for residential confinement ~~;~~; and (2) provides that if the Board discovers during such a review that a parolee was not given the requisite period to consult with his or her counsel, the Board must consider any admission to a parole violation by the parolee to**

**be null and void and must proceed with a hearing allowing the parolee to contest the alleged violation of parole.**

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

**Section 1.** NRS 213.151 is hereby amended to read as follows:

213.151 1. The Board's written order, certified to by the Chief Parole and Probation Officer, is sufficient warrant for any parole and probation officer or other peace officer to arrest any conditionally released or paroled prisoner.

2. Every sheriff, constable, chief of police, prison officer or other peace officer shall execute any such order in like manner as ordinary criminal process.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a parolee without a warrant if there is probable cause to believe that the parolee has committed acts that would constitute a violation of his or her parole.

4. Except as otherwise provided in subsection 5, after arresting a paroled prisoner for violation of a condition of his or her parole and placing the parolee in detention or, pursuant to *paragraph (a) of subsection 1 of NRS 213.15105*, in residential confinement, the arresting officer shall:

(a) Present to the detaining authorities, if any, a statement of the charges against the parolee; and

(b) Notify the Board of the arrest and detention or residential confinement of the parolee and submit a written report showing in what manner the parolee violated a condition of his or her parole.

5. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person he or she arrests without a warrant for violating a condition of parole if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of parole.

**Sec. 2.** NRS 213.15105 is hereby amended to read as follows:

213.15105 *1.* The Chief Parole and Probation Officer may, in accordance with the provisions of NRS 213.15193, 213.15195 and 213.15198 ~~[- order]~~ :

(a) *Order* any parolee who is arrested pursuant to NRS 213.151 to be placed in residential confinement in lieu of detention in a county jail pending an inquiry to determine whether there is probable cause to believe that the parolee has committed any act which would constitute a violation of his or her parole.

(b) *Order any parolee, who the Chief has probable cause to believe has committed any act that would constitute a violation of his or her parole, to be placed in residential confinement in lieu of arrest and detention in a county jail if the requirements set forth in subsections 2 and 3 have been met and the parolee submits the following documents to the Division:*

(1) *The voluntary waiver of the parolee of his or her right to an inquiry and hearing to contest the alleged violation of parole; and*

*(2) The agreement of the parolee to a term of residential confinement.*

**2. The Division shall advise a parolee in writing of his or her right to consult with counsel before the parolee signs any:**

**(a) Voluntary waiver of his or her right to an inquiry and hearing to contest an alleged violation of parole;**

**(b) Agreement to a term of residential confinement for an alleged violation of parole; or**

**(c) Form used by the Division as a waiver of a hearing to modify the conditions of parole.**

**3. Except as otherwise provided in this subsection, if a parolee exercises his or her right to consult with counsel pursuant to subsection 2, the parolee must be given a period of not less than 3 business days and not more than 6 calendar days to consult with his or her counsel. The Division may extend such a period for good cause shown, including, without limitation, a medical reason or another reason beyond the control of the parolee.**

**4. The Board may review any action taken pursuant to paragraph (b) of subsection 1. If the Board discovers during a review conducted pursuant to this subsection that a parolee was not given the period required pursuant to subsection 3 to consult with his or her counsel, the Board must consider any admission to a parole violation by the parolee to be null and void and must proceed with a hearing allowing the parolee to contest the alleged violation of parole.**

**Sec. 3.** NRS 213.152 is hereby amended to read as follows:

213.152 1. Except as otherwise provided in subsection ~~subsections 7,~~ ~~and 8~~, if a parolee violates a condition of his or her parole, the Board may order the parolee to a term of residential confinement in lieu of suspending his or her parole and returning the parolee to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require:

(1) The parolee to be confined to his or her residence during the time the parolee is away from his or her employment, community service or other activity authorized by the Division; and

(2) Intensive supervision of the parolee, including, without limitation, unannounced visits to his or her residence or other locations where the parolee is expected to be in order to determine whether the parolee is complying with the terms of his or her confinement; or

(b) Require the parolee to be confined to a facility or institution of the Department of Corrections for a period not to exceed 6 months. The Department may select the facility or institution in which to place the parolee.

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally

intrusive and limited in capability to recording or transmitting information concerning the location of the parolee, including, but not limited to, the transmission of still visual images which do not concern the activities of the parolee, and producing, upon request, reports or records of the parolee's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

- (a) Oral or wire communications or any auditory sound; or
- (b) Information concerning the activities of the parolee,

↪ must not be used.

4. A parolee who is confined to a facility or institution of the Department of Corrections pursuant to paragraph (b) of subsection 2:

(a) May earn credits to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Shall not be deemed to be released on parole for purposes of NRS 209.447 or 209.4475 during the period of that confinement.

5. The Board shall not order a parolee to a term of residential confinement unless the parolee agrees to the order.

6. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

7. ***The Board ~~shall~~ may modify the conditions of parole to include a term of residential confinement pursuant to paragraph (a) of subsection 2, upon receipt of the following documents from the Division:***

***(a) The voluntary waiver of a parolee of his or her hearing before the Board;***

***(b) The agreement of a parolee to a term of residential confinement pursuant to subsection 5; and***

***(c) The request of the Division for the modification of the conditions of parole to include a term of residential confinement pursuant to paragraph (a) of subsection 2.***

8. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

~~§ 9.~~ 9. As used in this section:

(a) "Facility" has the meaning ascribed to it in NRS 209.065.

(b) "Institution" has the meaning ascribed to it in NRS 209.071.

**Sec. 4.** This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 71.

Bill read second time.

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

Amendment No. 116.

AN ACT relating to state financial administration; authorizing the Attorney General to enter into an agreement with a tribal government for the provision of grants and loans to the tribal government from the Disaster Relief Account because of a disaster; creating a revolving account for the provision of grants relating to owner-occupied homes damaged by disasters; authorizing a temporary advance to the Emergency Assistance Account from the State General Fund for the payment of expenses incurred during a state of emergency or declaration of disaster under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Disaster Relief Account in the State General Fund and provides for the distribution of money in that Account as a grant or loan to a state agency or a local government because of specified disastrous events. (NRS 353.2705-353.2771) **Section 2** of this bill authorizes the Attorney General to enter into an agreement with a tribal government to provide for a grant or loan to the tribal government from the Account because of a disaster. **Section 2** requires that the provisions of such an agreement require the tribal government to substantially comply with the requirements and procedures in existing law relating to the request for and distribution of a grant or loan from the Disaster Relief Account that apply to a local government. **Sections 6, 7 and 9** of this bill make conforming changes.

**Section 3** of this bill creates a revolving account within the State General Fund for the awarding of grants by the Division of Emergency Management of the Department of Public Safety to persons who own and occupy homes damaged by a disaster for costs related to the damages. **Section 3** provides for the funding of the grants through transfers from the Disaster Relief Account to the revolving account. **Section 8** of this bill makes a conforming change.

Existing law creates the Emergency Assistance Account in the State General Fund: (1) to provide supplemental emergency assistance to this State or to local governments in this State that are affected by an emergency or disaster for which available resources of this State or the local government are inadequate to provide a satisfactory remedy; or (2) to pay any actual expenses incurred by the Division for administration during an emergency or disaster. (NRS 414.135) **Section 4** of this bill authorizes a temporary advance from the State General Fund to the Emergency Assistance Account for payment of expenses that are authorized to be paid from that Account relating to a state of emergency or declaration of disaster if the Chief of the Division determines that the balance in the Account is insufficient to cover those expenses.

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

**Section 1.** Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1.** *The Attorney General may enter into an agreement with a tribal government to provide for the distribution of money from the Account as a grant or loan to the tribal government because of a disaster. The provisions of such an agreement must require:*

*(a) The tribal government to substantially comply with the provisions of NRS 353.2705 to 353.2771, inclusive, and sections 2 and 3 of this act, as those provisions apply to a local government; and*

*(b) The Division to administer such a grant or loan.*

*2. "Tribal government" has the meaning ascribed to it in NRS 239C.105.*

**Sec. 3. 1.** *The Division shall establish a revolving account within the State General Fund for the awarding of grants by the Division from the revolving account to persons who own and occupy homes damaged by a disaster for costs related to the damages.*

*2. Upon the declaration of a disaster pursuant to NRS 414.070, the Chief of the Division may request approval of the Interim Finance Committee for the transfer of money from the Disaster Relief Account to the revolving account. The Interim Finance Committee shall not approve such a transfer of money to the revolving account if the transfer would result in a balance in the revolving account that is more than 25 percent of the balance of the Disaster Relief Account.*

*3. The Division shall adopt such regulations as are necessary to carry out the provisions of this section, including, without limitation, regulations prescribing standards for eligibility for a grant pursuant to this section.*

**Sec. 4. 1.** *If, during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070, the Chief of the Division of Emergency Management of the Department of Public Safety determines that the balance in the Emergency Assistance Account created by NRS 414.135 is insufficient to cover the expenses relating to the emergency or disaster that are authorized pursuant to NRS 414.135, the Chief may request from the Director of the Office of Finance a temporary advance from the State General Fund to the Emergency Assistance Account for the payment of those expenses.*

*2. The Director of the Office of Finance shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of his or her approval of a request made pursuant to subsection 1. The State Controller shall draw his or her warrant upon receipt of the approval by the Director of the Office of Finance.*

*3. Any money which is advanced from the State General Fund to the Emergency Assistance Account pursuant to subsection 1 must be repaid as soon as the money which the advance replaced is deposited in the Emergency*

~~Assistance Account. If the money deposited in the Emergency Assistance Account in any fiscal year is insufficient to pay back the money advanced, an amount equal to the shortfall is hereby contingently appropriated from the State General Fund to the Emergency Assistance Account.~~

~~4. The Director of the Office of Finance shall notify the Fiscal Analysis Division of the Legislative Counsel Bureau if the money deposited in the Emergency Assistance Account in any fiscal year is insufficient to pay back the money advanced pursuant to subsection 1.]~~

**Sec. 5.** NRS 353.2705 is hereby amended to read as follows:

353.2705 As used in NRS 353.2705 to 353.2771, inclusive, **and sections 2 and 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 353.2707 to 353.2731, inclusive, have the meanings ascribed to them in those sections.

**Sec. 6.** NRS 353.271 is hereby amended to read as follows:

353.271 “Disaster” means a fire, flood, earthquake, drought, explosion, civil disturbance, crisis involving violence on school property, at a school activity or on a school bus, or any other occurrence or threatened occurrence that, regardless of cause:

1. Results in, or may result in, widespread or severe damage to property or injury to or the death of persons in this State; and

2. As determined by:

(a) The Governor; ~~or~~

(b) The governing body of a local government pursuant to NRS 414.090 **or an agreement entered into pursuant to section 2 of this act** and the Division pursuant to NRS 353.2753,

↪ requires immediate action to protect the health, safety and welfare of the residents of this State.

**Sec. 7.** NRS 353.2731 is hereby amended to read as follows:

353.2731 “Local government” has the meaning ascribed to it in NRS 354.474. **The term includes, without limitation, a tribal government that has entered into an agreement pursuant to section 2 of this act.**

**Sec. 8.** NRS 353.2735 is hereby amended to read as follows:

353.2735 1. The Disaster Relief Account is hereby created in the State General Fund. The Interim Finance Committee shall administer the Disaster Relief Account.

2. The Division may accept grants, gifts or donations for deposit in the Disaster Relief Account. Except as otherwise provided in subsection 3, money received from:

(a) A direct legislative appropriation to the Disaster Relief Account;

(b) A transfer from the State General Fund in an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government made pursuant to NRS 353.288; and

(c) A grant, gift or donation to the Disaster Relief Account,

↪ must be deposited in the Disaster Relief Account. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the



Disaster Relief Account must, after deducting any applicable charges, be credited to the Disaster Relief Account.

3. If, at the end of each quarter of a fiscal year, the balance in the Disaster Relief Account exceeds 0.75 percent of the total amount of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year, the State Controller shall not, until the balance in the Disaster Relief Account is 0.75 percent or less of that amount, transfer any money in the Account to Stabilize the Operation of the State Government from the State General Fund to the Disaster Relief Account pursuant to the provisions of NRS 353.288.

4. Money in the Disaster Relief Account may be used for any purpose authorized by the Legislature or distributed through grants *to persons who own and occupy homes damaged by a disaster pursuant to section 3 of this act or through grants* and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive ~~†~~, *and sections 2 and 3 of this act*. Except as otherwise provided in NRS 353.276, ~~such~~ grants *to state agencies and local governments* will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.

5. If the State Board of Examiners receives a notice submitted to and forwarded by the Division pursuant to subsections 1 and 2 of NRS 353.2755, the State Board of Examiners shall estimate:

(a) The money in the Disaster Relief Account that is available for grants and loans for the disaster that is the subject of the notice pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive ~~†~~, *and sections 2 and 3 of this act*; and

(b) The anticipated amount of those grants and loans for the disaster.

↪ Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the Disaster Relief Account for such grants and loans, all grants and loans from the Disaster Relief Account for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the money in the Disaster Relief Account that is available for grants and loans for the disaster. If the reduction of a grant or loan from the Disaster Relief Account would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

**Sec. 9.** NRS 353.2754 is hereby amended to read as follows:

353.2754 A local government may request a grant or loan from the Account if:

1. Pursuant to NRS 414.090 ~~†~~ *or an agreement entered into pursuant to section 2 of this act*, the governing body of the local government determines that an event which has occurred constitutes a disaster; and

2. After the Division conducts an assessment of the damages pursuant to NRS 353.2753, the Division determines that an event has occurred that constitutes a disaster.

**Sec. 10.** 1. This section and sections 1, 2, 3 and 5 to 9, inclusive, of this act become effective upon passage and approval.

2. Section 4 of this act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time.

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

Amendment No. 125.

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: ~~{Contains Appropriation not included in Executive Budget.}~~ **No.**

AN ACT relating to mental health; requiring the Commission on Behavioral Health to employ ~~{a coordinator for each}~~ **certain persons to assist the** regional behavioral health policy ~~{board}~~ **boards**; revising the counties that comprise certain behavioral health regions; **creating the Clark Behavioral Health Region**; revising the duties of a regional health policy board; ~~{making an appropriation}~~ and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates four behavioral health regions and a regional behavioral health policy board for each region, consisting of 13 members who possess certain qualifications. (NRS 433.428, 433.429) **Section 2** of this bill removes Lincoln County from the Rural Behavioral Health Region and instead places it in the Southern Behavioral Health Region. **Section 2 additionally removes Clark County from the Southern Behavioral Health Region and instead newly creates the Clark Behavioral Health Region consisting only of Clark County.** **Section 3** of this bill authorizes the appointment to a policy board of members with alternative qualifications if members meeting certain qualifications prescribed by existing law are not available.

Existing law prescribes the duties of the policy boards, which include: (1) advising the Department of Health and Human Services, the Division of Public and Behavioral Health of the Department and the Commission on Behavioral Health concerning certain issues; and (2) submitting an annual report to the Commission. (NRS 433.4295) **Section 4** of this bill additionally requires the policy boards to advise the Department, Division and Commission concerning redundant, conflicting or obsolete federal, state and local laws and regulations that relate to behavioral health. **Section 4** also requires each behavioral health policy board to: (1) establish an electronic repository of data and information

concerning behavioral health and behavioral health services in the behavioral health region; (2) track and compile data concerning persons admitted involuntarily to mental health facilities, hospitals and programs of community-based or outpatient services; and (3) identify and coordinate with other entities that address issues relating to behavioral health. Additionally, **section 4** revises the contents of the annual report that each policy board is required to submit to the Commission.

**Section 1** of this bill requires the Commission on Behavioral Health to employ ~~for each policy board a coordinator~~ **an administrative assistant and a data analyst** to assist the policy ~~board~~ **boards** in carrying out ~~its~~ **their** duties, ~~and section 5 of this bill appropriates money to the Commission for the compensation of those coordinators.~~ (NRS 433.314)

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

**Section 1.** NRS 433.314 is hereby amended to read as follows:

433.314 The Commission shall:

1. Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

2. Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

3. Review the programs and finances of the Division;

4. Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:

(a) Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and

(b) In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:

(1) The epidemiologic profiles of substance use and abuse, problem gambling and suicide;

(2) Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and

(3) The health priorities set for each behavioral health region;

5. Hear appeals, conduct investigations and issue orders pursuant to NRS 641.325, 641A.289, 641B.460 and 641C.800; ~~and~~

6. Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200 ~~;~~; *and*

7. ~~Employ *[, for each regional behavioral health policy board created by NRS 433.429, a coordinator]* an administrative assistant and a data analyst to assist the regional behavioral health policy ~~board]~~ boards created by NRS 433.429 in carrying out ~~its]~~ their duties.~~

**Sec. 2.** NRS 433.428 is hereby amended to read as follows:

433.428 ~~Four]~~ Five behavioral health regions are hereby created as follows:

1. The Northern Behavioral Health Region consisting of Carson City and the counties of Churchill, Douglas, Lyon, Mineral and Storey;

2. The Washoe Behavioral Health Region consisting of the county of Washoe;

3. The Rural Behavioral Health Region consisting of the counties of Elko, Eureka, Humboldt, Lander, ~~Lincoln,~~ Pershing and White Pine; ~~and~~

4. The Southern Behavioral Health Region consisting of the counties of ~~Clark,~~ Esmeralda, *Lincoln* and Nye ~~;~~; *and*

5. The Clark Behavioral Health Region consisting of the county of Clark.

**Sec. 3.** NRS 433.429 is hereby amended to read as follows:

433.429 1. A regional behavioral health policy board is hereby created for each behavioral health region.

2. Each policy board consists of 13 members as follows:

(a) Six members appointed by the Governor or his or her designee as follows:

(1) One member who represents the criminal justice system;

(2) Two members who have extensive experience in the delivery of social services in the field of behavioral health, including, without limitation, directors or officers of social service agencies in the behavioral health region; and

(3) Three members who represent the interests of one or more of the following:

(I) Hospitals, residential long-term care facilities or facilities that provide acute inpatient behavioral health services;

(II) Community-based organizations which provide behavioral health services;

(III) Administrators or counselors who are employed at facilities for the treatment of abuse of alcohol or drugs; or

(IV) Owners or administrators of residential treatment facilities, transitional housing or other housing for persons who are mentally ill or suffer from addiction or substance abuse.

↪ At least one member of the policy board appointed by the Governor or his or her designee for each region pursuant to this subparagraph must be a behavioral health professional who has experience in evaluating and treating children.

(b) Three members appointed by the Speaker of the Assembly as follows:

(1) One member who is a health officer of a county, ~~or~~ who is in a position with duties similar to those of such a health officer ~~or~~ ***or, if no such person is available, an employee of a city, county or Indian tribe who has experience in the field of public health;***

(2) One member who is a psychiatrist or doctor of psychology with clinical experience and who is licensed to practice in this State ~~or~~ ***or, if no such person is available, a provider of health care, as defined in NRS 629.031, who has experience working with persons with mental illness or who abuse alcohol or drugs;*** and

(3) One member who represents private or public insurers who offer coverage for behavioral health services ~~or~~ ***or, if no such person is available, another person who has experience in the field of insurance or working with insurers.***

(c) Three members appointed by the Majority Leader of the Senate as follows:

(1) One member who has received behavioral health services, ***including, without limitation, services for substance use disorders,*** in this State or a family member of such a person or, if such a person is not available, a person who represents the interests of behavioral health patients or the families of behavioral health patients;

(2) One member who represents providers of emergency medical services or fire services and who has experience providing emergency services to behavioral health patients, which may include, without limitation, a paramedic or physician; and

(3) One member who represents law enforcement agencies and who has experience with and knowledge of matters relating to people in need of behavioral health services.

(d) One member who is a Legislator, appointed by the Legislative Commission.

3. In making appointments, preference must be given to persons who reside in the behavioral health region served by the policy board.

4. Each member of the policy board serves without compensation for a term of 2 years and may be reappointed. The appointing authority may remove a member from the policy board if the appointing authority determines the member has neglected his or her duties. Any vacancy in the membership of a policy board must be filled in the same manner as the original appointment.

5. Each policy board shall meet not later than 60 days after all appointments to such board have been made and elect one member of the policy board to act as the Chair for the biennium. The Director of the Department or his or her designee shall preside over the election of the Chair

for each policy board at each board's first meeting. ~~Each~~ ***Except as otherwise provided in subsection 6, each*** policy board shall thereafter meet at least quarterly at the call of the Chair.

6. ***A policy board is not required to meet during any legislative session. If a policy board meets during a legislative session, the member of the policy board who is a Legislator is excused from attendance.***

7. As used in this section, "social services agency" means any public agency or organization that provides social services in this State, including, without limitation, welfare and health care services.

**Sec. 4.** NRS 433.4295 is hereby amended to read as follows:

433.4295 **1.** Each policy board shall:

~~1-1~~ (a) Advise the Department, Division and Commission regarding:

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

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

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

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

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

~~2-1~~ (b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

~~3-1~~ (c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

~~4-1~~ (d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

~~5-1~~ (e) ***To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.***

(f) ***To the extent feasible, track and compile data concerning persons admitted to mental health facilities and hospitals pursuant to NRS 433A.145 to 433A.197, inclusive, and to mental health facilities and programs of community-based or outpatient services pursuant to NRS 433A.200 to***

433A.330, inclusive, in the behavioral health region, including, without limitation:

- (1) *The outcomes of treatment provided to such persons; and*
- (2) *Measures taken upon and after the release of such persons to address behavioral health issues and prevent future admissions.*
- (g) *Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.*
- (h) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation ~~the~~:
- (1) *The specific behavioral health needs of the behavioral health region ~~Such as~~;*
- (2) *A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;*
- (3) *A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (g) of subsection 1 and the results of those activities; and*
- (4) *The data compiled pursuant to paragraph (f) of subsection 1 and any conclusions that the policy board has derived from such data.*

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

Sec. 5. ~~It is hereby appropriated from the State General Fund to the Commission on Behavioral Health for the compensation of the coordinators for the regional behavioral health policy boards employed pursuant to subsection 7 of NRS 433.314, as amended by section 1 of this act, the following sums:~~

For the Fiscal Year 2019-2020 .....	\$283,604
For the Fiscal Year 2020-2021 .....	\$352,508

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.~~

~~3. As used in this section, “regional behavioral health policy board” means a regional behavioral health policy board created by NRS 433.429, as amended by section 3 of this act.~~ **(Deleted by amendment.)**

**Sec. 6.** This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 38.

AN ACT relating to criminal justice; creating the Office of the Nevada Sentencing Commission within the Office of the Governor; providing for the appointment of the Executive Director and the selection of the staff of the Office; establishing the duties of the Executive Director and staff of the Office; revising the membership of the Nevada Sentencing Commission; transferring the responsibility for staffing the Nevada Sentencing Commission to the Office; revising the duties of the Nevada Sentencing Commission to reflect the newly created Office; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes the Nevada Sentencing Commission consisting of 25 voting members appointed by the Governor, the Legislature and various other agencies and organizations related to criminal justice. The Nevada Sentencing Commission is charged with, among other duties, identifying and studying the sentencing of offenders convicted of a crime in this State and making recommendations concerning the adoption of sentencing guidelines. (NRS 176.0131-176.0139) **Section 5** of this bill creates the Office of the Nevada Sentencing Commission within the Office of the Governor and provides for the appointment of an Executive Director of the Office. **Section 6** of this bill prescribes the duties of the Executive Director, which include, among other duties, overseeing the functions of the Office, serving as the Executive Secretary of the Nevada Sentencing Commission, developing the budget for the Office and assisting the Nevada Sentencing Commission with preparing the biennial report of the Nevada Sentencing Commission. **Section 7** of this bill requires the Executive Director to select at least one research analyst and two secretaries for the Office and provides for the duties of those positions. **Section 9** of this bill: (1) revises the membership of the Nevada Sentencing Commission to remove the Attorney General ~~††~~ **and the State Public Defender; (2) revises the membership of the Nevada Sentencing Commission to add a member from the Office of the Clark County Public Defender and the Office of the Washoe County Public Defender;** and ~~†(2)†~~ **(3)** requires the Nevada Sentencing Commission to hold its first meeting on or before September 1 of each odd-numbered year.



Existing law requires the Nevada Sentencing Commission to be provided with such staff as is necessary, to the extent of legislative appropriation, by the Director of the Legislative Counsel Bureau. (NRS 176.0133) **Section 9** designates the Executive Director as the Executive Secretary of the Nevada Sentencing Commission and transfers the staffing of the Nevada Sentencing Commission to the newly established Office.

**Section 10** of this bill revises the duties of the Nevada Sentencing Commission to: (1) include the oversight of the Executive Director; and (2) provide certain recommendations and advice concerning the Office.

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

**Section 1.** Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2.** *As used in NRS 176.0132 to 176.0139, inclusive, and sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 176.0132 and sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Executive Director” means the Executive Director of the Office.*

**Sec. 4.** *“Office” means the Office of the Nevada Sentencing Commission created by section 5 of this act.*

**Sec. 5. 1.** *The Office of the Nevada Sentencing Commission is hereby created within the Office of the Governor.*

**2.** *The Executive Director of the Office must be appointed by the Governor from a list of three persons recommended by the Sentencing Commission.*

**3. The Executive Director:**

- (a) Is not in the classified or unclassified service of this State;*
- (b) Serves at the pleasure of the Sentencing Commission, except that the Executive Director may only be removed upon a finding by the Sentencing Commission that his or her performance is unsatisfactory;*
- (c) Must be an attorney licensed to practice law in this State; and*
- (d) Shall devote his or her entire time and attention to the duties of his or her office and shall not engage in any other gainful employment or occupation.*

**Sec. 6.** *The Executive Director appointed pursuant to section 5 of this act shall:*

- 1.** *Oversee all of the functions of the Office.*
- 2.** *Serve as Executive Secretary of the Sentencing Commission without additional compensation.*
- 3.** *Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Office and provide such information to the Sentencing Commission as requested.*

4. *Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Office.*

5. *Establish the budget for the Office.*

6. *Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.*

7. *Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.*

8. *Assist in the development, presentation and submittal of any legislative measure requested by the Sentencing Commission pursuant to NRS 218D.216.*

9. *Assist in preparing the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection 11 of NRS 176.0134 and submit the report pursuant to subsection 12 of that section.*

10. *Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0132 to 176.0139, inclusive, and sections 2 to 7, inclusive, of this act.*

Sec. 7. 1. *In addition to the Executive Director, the Office must include not less than one research analyst and two secretaries, each of whom must be selected by the Executive Director and serve at the pleasure of the Executive Director.*

2. *The research analyst:*

(a) *May be an attorney licensed to practice law in this State;*

(b) *Is not in the classified or unclassified service of this State;*

(c) *Must be proficient in the use, collection and analysis of statistics and data; and*

(d) *Shall devote his or her entire time and attention to his or her duties as specified by the Executive Director and shall not engage in any other gainful employment or occupation.*

3. *The secretaries selected pursuant to subsection 1:*

(a) *Are not in the classified or unclassified service of this State;*

(b) *Must include not less than one secretary who is proficient in transcribing minutes; and*

(c) *Shall be responsible for preparing and posting agendas, transcribing minutes and performing any other duties assigned by the Executive Director.*

Sec. 8. NRS 176.0132 is hereby amended to read as follows:

176.0132 ~~{As used in NRS 176.0132 to 176.0139, inclusive,}~~ “Sentencing Commission” means the Nevada Sentencing Commission created by NRS 176.0133.

Sec. 9. NRS 176.0133 is hereby amended to read as follows:

176.0133 1. The Nevada Sentencing Commission is hereby created. The Sentencing Commission consists of:

- (a) One member appointed by the Governor;
- (b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;
- (c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;
- (d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;
- (e) The Director of the Department of Corrections;
- (f) ~~The Attorney General;~~
- ~~(g)~~ One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;
- ~~(h)~~ (g) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;
- ~~(i)~~ (h) ~~The State Public Defender;~~ **One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;**
- ~~(j)~~ (i) One member who is a representative of the ~~office~~ **Office** of ~~a county public defender;~~ **the Washoe County Public Defender,** appointed by the ~~governing body of the State Bar;~~ **head** of ~~Nevada;~~ **the Office of the Washoe County Public Defender;**
- ~~(k)~~ (j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;
- ~~(l)~~ (k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;
- ~~(m)~~ (l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;
- ~~(n)~~ (m) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;
- ~~(o)~~ (n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;
- ~~(p)~~ (o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;
- ~~(q)~~ (p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;
- ~~(r)~~ (q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;
- ~~(s)~~ (r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

~~{(t)}~~ (s) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

~~{(u)}~~ (t) The Director of the Department of Employment, Training and Rehabilitation; and

~~{(v)}~~ (u) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

2. ***The Executive Director shall serve as the Executive Secretary of the Sentencing Commission.***

3. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

~~{3}~~ 4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~{4}~~ 5. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

~~{5}~~ 6. At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

~~{6}~~ 7. The Sentencing Commission shall ~~meet~~:

(a) ***Hold its first meeting on or before September 1 of each odd-numbered year; and***

(b) ***Meet*** at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

~~{7}~~ 8. A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

~~{8}~~ 9. A majority of the members of the Sentencing Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission. A nonvoting alternate designated by a member pursuant to subsection ~~{7}~~ 8 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

~~{9}~~ 10. While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~10. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau~~

**11. The Office** shall provide the Sentencing Commission with such staff as ~~is necessary~~ *prescribed in sections 5, 6 and 7 of this act* to carry out the duties of the Sentencing Commission.

**Sec. 10.** NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the

extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.

6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.

7. Identify potential areas of sentencing disparity related to race, gender and economic status.

8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.

9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.

10. ***Oversee the Executive Director and provide recommendations and advice concerning the administration of the Office, including, without limitation:***

***(a) Receiving reports from the Executive Director and providing direction to the Executive Director concerning measures to be taken by the Office to ensure compliance with the duties of the Sentencing Commission.***

***(b) Reviewing information from the Office regarding sentencing of offenders in this State.***

***(c) Directing the Executive Director to conduct any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.***

***(d) Coordinating with the Executive Director to develop procedures for the identification and collection of data concerning the sentencing of offenders in this State.***

***(e) Providing direction to the Executive Director concerning any required reports and reviewing drafts of such reports.***

***(f) Reviewing recommendations of the Executive Director concerning the budget for the Office, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.***

***(g) Providing advice and recommendations to the Executive Director on any other matter.***

11. For each regular session of the Legislature, ***with the assistance of the Office***, prepare a comprehensive report including:

(a) The Sentencing Commission's recommended changes pertaining to sentencing;

(b) The Sentencing Commission's findings and any recommendations for proposed legislation; and

(c) A reference to any legislative measure requested pursuant to NRS 218D.216.

~~12.~~ **12.** The report *prepared pursuant to subsection 11* must be submitted to ~~the~~:

(a) *The Office of the Governor; and*

(b) *The* Director of the Legislative Counsel Bureau for distribution to the Legislature not later than January 1 of each odd-numbered year.

**Sec. 11.** NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in NRS 223.085, 223.600 and 232.461 *and section 5 of this act* all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.

3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.

4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.

5. All other officers and employees authorized by law to be employed in the unclassified service.

**Sec. 12.** This act becomes effective:

1. Upon passage and approval for the purpose of establishing the Office of the Nevada Sentencing Commission created by section 5 of this act, including appointing the Executive Director of the Office, and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 97.

AN ACT relating to wildlife; authorizing an employee of the Department of Wildlife to take any wildlife in the interest of public safety under certain circumstances; providing certain protections to moose under certain circumstances; limiting a certain exemption that allowed a person to kill certain animals if necessary to protect property; revising provisions governing the issuance of a resident license, tag or permit; deleting the requirement that a person purchase a resource enhancement stamp to be eligible to participate in a Dream Tag raffle; authorizing a person to donate money voluntarily to the Wildlife Account in the State General Fund by purchasing a resource enhancement stamp; expanding the circumstances considered unlawful harassment of wildlife; clarifying the exemption from the prohibition against placing or setting a trap, snare or similar device within a certain distance from a public road or highway within this State; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes an employee of the Department of Wildlife to take any wildlife, except on private property without lawful authority, for any purpose determined by the Director of the Department to be in the interest of conserving wildlife in this State, if the taking of the wildlife complies with certain federal requirements. (NRS 501.3525) **Section 1** of this bill expands that authority to allow an employee of the Department to take any wildlife for any purpose determined by the Director to be in the interest of public safety.

Existing law prohibits a person from intentionally killing or aiding and abetting another person in killing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear in certain ways, during certain times or without a tag. A person who violates that prohibition is subject to punishment for a category E felony or a gross misdemeanor, as determined by the sentencing court. (NRS 501.376) **Sections 2 and 4** of this bill add moose to the list of animals to which that prohibition applies. Existing law provides ~~certain exemptions from the prohibition. Section 2 deletes the~~ **an exemption from the prohibition** for killing such an animal when necessary to protect the property of a person who is in imminent danger of being attacked by the animal . ~~but~~ **Section 2 limits that exemption to circumstances under which the killing of the animal is necessary to protect the life of any livestock or pet which is in imminent danger of being attacked by the animal. Section 2** leaves the exemption that applies when the killing of the animal is necessary to protect the life of a person.

Existing law establishes the requirements for when a person is considered a resident of this State for the purpose of obtaining resident licenses, tags or permits. (NRS 502.015) **Section 5** of this bill revises the requirements to



provide that the person must not have purchased or applied for any hunting, fishing or trapping privilege or entitlement conditional upon residency from another state, country or province.

Existing law establishes a program for the issuance of additional big game tags by raffle each year known as “Dream Tags.” To be eligible to participate in a Dream Tag raffle, a person is required to purchase a resource enhancement stamp for a fee of \$10. Any fee received from the sale of a resource enhancement stamp must be deposited in the Wildlife Account in the State General Fund and used only for the protection, propagation and management of wildlife. (NRS 501.356, 502.219, 502.222) **Sections 6 and 7** of this bill delete the requirement for a person to purchase a resource enhancement stamp in order to participate in a Dream Tag raffle. Instead, **section 7** authorizes a person to donate money voluntarily to the Wildlife Account by purchasing a resource enhancement stamp.

Under existing law, it is unlawful to harass any game mammals or game birds with an aircraft, helicopter or motor-driven vehicle, including a motor boat or sailboat. (NRS 503.010) **Section 8** of this bill instead makes it unlawful to engage in such harassment by any means and adds to the examples harassment with a firearm, horse ~~[, light]~~ or noisemaker. **Section 8** further clarifies that harassment through the use of a manned or unmanned aircraft is unlawful. ~~[Section]~~ **Sections 2, 3 and 8** of this bill ~~[makes a]~~ **make** conforming ~~[change.]~~ **changes.**

Under existing law, it is unlawful for any person, company or corporation to place or set any trap, snare or similar device within 200 feet of any public road or highway within this State. (NRS 503.580) Existing law also: (1) specifies that the term “person” does not include a government, governmental agency or political subdivision of a government; and (2) authorizes an employee of the Department of Wildlife to take any wildlife, except on private property without lawful authority, for any purpose determined by the Director of the Department to be in the interest of conserving wildlife in this State. (NRS 0.039, 501.3525) **Section 9** of this bill clarifies that the prohibition against placing or setting a trap, snare or similar device within 200 feet of any public road or highway within this State does not apply to an employee or agent of the Department.

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

**Section 1.** NRS 501.3525 is hereby amended to read as follows:

501.3525 An employee of the Department may take any wildlife from any place, except private property without lawful authority, and in any manner for any purpose determined by the Director to be in the interest of *public safety or* conserving wildlife in this State if the taking of the wildlife complies with the requirements established by the United States Fish and Wildlife Service or any other agency of the Federal Government.

**Sec. 2.** NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, *moose*, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of ~~any~~ a manned or unmanned aircraft or helicopter ~~[any means used to harass any game mammals or game birds]~~ in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181, other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life ~~for property~~ of any person, pet or livestock in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the

circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

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

**(a) "Livestock" has the meaning ascribed to it in NRS 561.025.**

**(b) "Pet" has the meaning ascribed to it in NRS 202.487.**

**Sec. 3.** NRS 501.3857 is hereby amended to read as follows:

501.3857 Any gun, ammunition, trap, snare, vessel, vehicle, aircraft or other device or equipment used, or intended for use:

1. To facilitate the unlawful and intentional killing or possession of any big game mammal;

2. To hunt or kill a big game mammal by using information obtained as a result of the commission of an act prohibited by NRS 503.010 or a regulation of the Commission which prohibits the location of big game mammals for the purpose of hunting or killing by the use of:

(a) ~~Any~~ **A manned or unmanned** aircraft, including, without limitation, any device that is used for navigation of, or flight in, the air;

(b) A hot air balloon or any other device that is lighter than air; or

(c) A satellite or any other device that orbits the earth and is equipped to produce images, or other similar devices; or

3. Knowingly to transport, sell, receive, acquire or purchase any big game mammal which is unlawfully killed or possessed,

↪ is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive.

**Sec. 4.** NRS 501.388 is hereby amended to read as follows:

501.388 1. The Commission may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:

(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, **moose**, pronghorn antelope, mountain lion or black bear in violation of NRS 501.376, and may:

(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and

(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.

**Sec. 5.** NRS 502.015 is hereby amended to read as follows:

502.015 1. For the purpose of issuing and using resident licenses, tags or permits pursuant to this chapter, a person is considered to be a resident of the State of Nevada if:

(a) The person is a citizen of, or is lawfully entitled to remain in, the United States; and

(b) During the 6 months next preceding the person's application to the Department for a license, tag or permit, the person:

(1) Maintained his or her principal and permanent residence in this State;

(2) Was physically present in this State, except for temporary absences; and

(3) Did not purchase or apply for any ~~resident license, tag or permit to hunt, fish or trap in~~ **hunting, fishing or trapping privilege or entitlement conditional upon residency from** another state, country or province.

2. A person who does not maintain his or her principal and permanent residence in Nevada but who is attending an institution of higher learning in this State as a full-time student is eligible for a resident license, tag or permit if, during the 6 months next preceding the person's application to the Department for a license, tag or permit, the person:

(a) Was physically present in Nevada, except for temporary trips outside of the State; and

(b) Did not purchase or apply for any ~~resident license, tag or permit to hunt, fish or trap in~~ **hunting, fishing or trapping privilege or entitlement conditional upon residency from** another state, country or province.

3. A resident license, tag or permit issued by this State is void if the person to whom it was issued establishes or maintains his or her principal and permanent residence in and obtains any hunting, fishing or trapping privilege or entitlement conditional on residency from another state, country or province.

4. As used in this section, "principal and permanent residence" means a place where a person is legally domiciled and maintains a permanent habitation in which the person lives and to which the person intends to return when he or she leaves the state in which the permanent habitation is located. The term does not include merely owning a residence in a state.

**Sec. 6.** NRS 502.219 is hereby amended to read as follows:

502.219 1. A program is hereby established for the issuance of additional big game tags each year to be known as "Dream Tags." The program must provide:

(a) For the issuance of Dream Tags to either a resident or nonresident of this State;

(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and

(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section.

2. The Department shall administer the program and shall take such actions as the Department determines are necessary to carry out the provisions of this section and NRS 502.222 and 502.225.

3. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department, at prices established by the Department, subject to the following conditions:

(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each. ~~{to persons who purchase a resource enhancement stamp pursuant to NRS 502.222.}~~

(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.

(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of game and its habitat, as determined by the Advisory Board on Dream Tags created by NRS 502.225.

4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

5. The nonprofit organization shall, on or before February 1 of each year, report to the Department and the Interim Finance Committee concerning the Dream Tag program, including, without limitation:

(a) The number of Dream Tags issued during the immediately preceding calendar year;

(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;

(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and

(d) Any recommendations concerning the program or necessary legislation.

6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk.

**Sec. 7.** NRS 502.222 is hereby amended to read as follows:

502.222 1. ~~{To be eligible to participate in the Dream Tag raffle, a}~~ **Any person ~~{must purchase}~~ may voluntarily donate money to the Wildlife**

*Account in the State General Fund by purchasing* a resource enhancement stamp.

2. Resource enhancement stamps must be sold for a fee of \$10 each by the Department and by persons authorized by the Department to sell the stamps. All money received by the Department for resource enhancement stamps pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

3. The Department shall determine the form of the stamps.

**Sec. 8.** NRS 503.010 is hereby amended to read as follows:

503.010 1. Except as otherwise provided in this section or subsection 2 of NRS 503.005, it is unlawful to harass any game mammals or game birds *by any means, including, without limitation,* with ~~an~~ *a manned or unmanned* aircraft, *firearm*, helicopter ~~or~~ , *horse, ~~light,~~ motorboat*, motor-driven vehicle ~~including a motorboat~~ , *noisemaker* or sailboat.

2. Except as otherwise provided in this subsection, it is unlawful to shoot at any game mammals or game birds with a weapon from ~~an~~ *a manned or unmanned* aircraft, helicopter or motor-driven vehicle. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking may shoot from a stopped motor vehicle which is not parked on the traveled portion of a public highway, but the person may not shoot from, over or across a highway or road specified in NRS 503.175.

3. It is unlawful to spot or locate game mammals or game birds with any kind of *manned or unmanned* aircraft or helicopter and communicate that information, within 24 hours after the aircraft or helicopter has landed or in violation of a regulation of the Commission, by any means to a person on the ground for the purpose of hunting or trapping. The provisions of this subsection do not prohibit an employee or agent of the Department from providing general information to the public concerning the location of game birds or game mammals.

4. It is unlawful to use any information obtained in violation of the provisions of subsection 3 to hunt or kill game mammals or game birds.

5. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when:

(a) The cargo or passengers, or both, are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the Federal or State Government or by a county or municipal government and which are accessible by a public road; or

(b) The loading or unloading is done in the course of an emergency or search and rescue operation.

6. It is unlawful to:

(a) Use any information obtained from a radio signal or other transmission received from any transmitting device;

(b) Make use of equipment designed to receive a radio signal or other transmission from a transmitting device; or

(c) Use any location information obtained from records maintained by the Department within 1 year after the date on which the information was collected, including, without limitation, records of information received from a transmitting device,

↳ to harass or take any game mammal, game bird or other wildlife.

7. It is unlawful to make use of equipment designed to receive a radio signal or other transmission from a transmitting device for any purpose without written authorization of the Department.

8. The provisions of subsection 1 do not apply to an employee or agent of the Department who, while carrying out his or her duties, conducts a survey of wildlife with the use of an aircraft.

9. As used in this section:

(a) "Aircraft" includes, without limitation, any device that is used for navigation of, or flight in, the air.

(b) "Game bird" does not include a raven, even if classified as a game bird pursuant to NRS 501.110.

(c) "Harass" means to molest, chase, rally, concentrate, herd, intercept, torment or drive.

(d) "Transmitting device" means any collar or other device which is attached to any game mammal, game bird or other wildlife or which is placed for the express purpose of detecting any game mammal, game bird or other wildlife and emits an electronic signal or uses radio telemetry or a satellite transmission to determine the location of the game mammal, game bird or other wildlife.

**Sec. 9.** NRS 503.580 is hereby amended to read as follows:

503.580 1. For the purposes of this section, "public road or highway" means:

(a) A highway designated as a United States highway.

(b) A highway designated as a state highway pursuant to the provisions of NRS 408.285.

(c) A main or general county road as defined by NRS 403.170.

2. It is unlawful for any person, company or corporation to place or set any trap, snare or similar device used for the purpose of trapping mammals within 200 feet of any public road or highway within this State.

3. This section does not ~~prevent~~ :

(a) **Prevent** the placing or setting of any trap, snare or similar device inside, along or near a fence which may be situated less than 200 feet from any public road or highway upon privately owned lands.

(b) **Apply to placing or setting a trap, snare or similar device by an employee or agent of the Department.**

**Sec. 10.** This act becomes effective on July 1, 2019.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

The following amendment was proposed by Assemblywoman Swank:  
Amendment No. 267.

SUMMARY—Makes various changes to provisions ~~governing~~ **relating to** wildlife. (BDR 45-210)

AN ACT relating to wildlife; authorizing an employee of the Department of Wildlife to take any wildlife in the interest of public safety under certain circumstances; **authorizing the Department to expend money from the Wildlife Heritage Account**; providing certain protections to moose under certain circumstances; limiting a certain exemption that allowed a person to kill certain animals if necessary to protect property; revising provisions governing the issuance of a resident license, tag or permit; deleting the requirement that a person purchase a resource enhancement stamp to be eligible to participate in a Dream Tag raffle; authorizing a person to donate money voluntarily to the Wildlife Account in the State General Fund by purchasing a resource enhancement stamp; expanding the circumstances considered unlawful harassment of wildlife; clarifying the exemption from the prohibition against placing or setting a trap, snare or similar device within a certain distance from a public road or highway within this State; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes an employee of the Department of Wildlife to take any wildlife, except on private property without lawful authority, for any purpose determined by the Director of the Department to be in the interest of conserving wildlife in this State, if the taking of the wildlife complies with certain federal requirements. (NRS 501.3525) **Section 1** of this bill expands that authority to allow an employee of the Department to take any wildlife for any purpose determined by the Director to be in the interest of public safety.

**Existing law creates the Wildlife Heritage Account in the State General Fund and requires the Department of Wildlife to use the money in the Account for: (1) the protection, propagation, restoration, transplantation, introduction and management of wildlife; and (2) the management and control of predatory wildlife in this State. The Department may annually expend from the Account not more than 75 percent of the money deposited in the Account during the previous year and the total amount of interest earned on the money in the Account during that year. (NRS 501.3575) Section 1.5 of this bill authorizes the Department, at any time, to expend from the Account any amount of money in the Account which exceeds \$5,000,000.**

Existing law prohibits a person from intentionally killing or aiding and abetting another person in killing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear in certain ways, during certain times or without a tag. A person who violates that prohibition is subject to punishment for a category E felony or a gross misdemeanor, as determined by the sentencing court. (NRS 501.376) **Sections 2 and 4** of this bill add moose to the list of animals to which that prohibition applies. Existing law provides



certain exemptions from the prohibition. **Section 2** deletes the exemption for killing such an animal when necessary to protect the property of a person who is in imminent danger of being attacked by the animal but leaves the exemption that applies when the killing of the animal is necessary to protect the life of a person.

Existing law establishes the requirements for when a person is considered a resident of this State for the purpose of obtaining resident licenses, tags or permits. (NRS 502.015) **Section 5** of this bill revises the requirements to provide that the person must not have purchased or applied for any hunting, fishing or trapping privilege or entitlement conditional upon residency from another state, country or province.

Existing law establishes a program for the issuance of additional big game tags by raffle each year known as "Dream Tags." To be eligible to participate in a Dream Tag raffle, a person is required to purchase a resource enhancement stamp for a fee of \$10. Any fee received from the sale of a resource enhancement stamp must be deposited in the Wildlife Account in the State General Fund and used only for the protection, propagation and management of wildlife. (NRS 501.356, 502.219, 502.222) **Sections 6 and 7** of this bill delete the requirement for a person to purchase a resource enhancement stamp in order to participate in a Dream Tag raffle. Instead, **section 7** authorizes a person to donate money voluntarily to the Wildlife Account by purchasing a resource enhancement stamp.

Under existing law, it is unlawful to harass any game mammals or game birds with an aircraft, helicopter or motor-driven vehicle, including a motor boat or sailboat. (NRS 503.010) **Section 8** of this bill instead makes it unlawful to engage in such harassment by any means and adds to the examples harassment with a firearm, horse, light or noisemaker. **Section 8** further clarifies that harassment through the use of a manned or unmanned aircraft is unlawful. **Section 3** of this bill makes a conforming change.

Under existing law, it is unlawful for any person, company or corporation to place or set any trap, snare or similar device within 200 feet of any public road or highway within this State. (NRS 503.580) Existing law also: (1) specifies that the term "person" does not include a government, governmental agency or political subdivision of a government; and (2) authorizes an employee of the Department of Wildlife to take any wildlife, except on private property without lawful authority, for any purpose determined by the Director of the Department to be in the interest of conserving wildlife in this State. (NRS 0.039, 501.3525) **Section 9** of this bill clarifies that the prohibition against placing or setting a trap, snare or similar device within 200 feet of any public road or highway within this State does not apply to an employee or agent of the Department.

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

**Section 1.** NRS 501.3525 is hereby amended to read as follows:

501.3525 An employee of the Department may take any wildlife from any place, except private property without lawful authority, and in any manner for any purpose determined by the Director to be in the interest of *public safety or* conserving wildlife in this State if the taking of the wildlife complies with the requirements established by the United States Fish and Wildlife Service or any other agency of the Federal Government.

**Sec. 1.5.** NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; and

(b) The management and control of predatory wildlife in this State.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or Partnership in Wildlife Drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Account, must be deposited with the State Treasurer for credit to the Account.

3. The interest and income earned on the money in the Wildlife Heritage Account, after deducting any applicable charges, must be credited to the Account.

4. ~~The~~ Except as otherwise provided in this subsection, the Department may annually expend from the Wildlife Heritage Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year. In addition, the Department may, at any time, expend from the Account any portion of the amount of money in the Account which exceeds \$5,000,000. The Commission shall review and approve expenditures from the Account. No money may be expended from the Account without the prior approval of the Commission.

5. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

**Sec. 2.** NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, *moose*, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of ~~an aircraft or helicopter~~ **any means used to harass any game mammals or game birds** in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) Knowingly during a time other than:

(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Except as otherwise provided by the regulations adopted by the Commission pursuant to subsection 9 of NRS 501.181, other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag; or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life ~~for property~~ of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

**Sec. 3.** NRS 501.3857 is hereby amended to read as follows:

501.3857 Any gun, ammunition, trap, snare, vessel, vehicle, aircraft or other device or equipment used, or intended for use:

1. To facilitate the unlawful and intentional killing or possession of any big game mammal;

2. To hunt or kill a big game mammal by using information obtained as a result of the commission of an act prohibited by NRS 503.010 or a regulation of the Commission which prohibits the location of big game mammals for the purpose of hunting or killing by the use of:

(a) ~~Any~~ **A manned or unmanned** aircraft, including, without limitation, any device that is used for navigation of, or flight in, the air;

(b) A hot air balloon or any other device that is lighter than air; or

(c) A satellite or any other device that orbits the earth and is equipped to produce images, or other similar devices; or

3. Knowingly to transport, sell, receive, acquire or purchase any big game mammal which is unlawfully killed or possessed,

↪ is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive.

**Sec. 4.** NRS 501.388 is hereby amended to read as follows:

501.388 1. The Commission may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:

(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, **moose**, pronghorn antelope, mountain lion or black bear in violation of NRS 501.376, and may:

(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and

(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.

**Sec. 5.** NRS 502.015 is hereby amended to read as follows:

502.015 1. For the purpose of issuing and using resident licenses, tags or permits pursuant to this chapter, a person is considered to be a resident of the State of Nevada if:

(a) The person is a citizen of, or is lawfully entitled to remain in, the United States; and

(b) During the 6 months next preceding the person's application to the Department for a license, tag or permit, the person:

(1) Maintained his or her principal and permanent residence in this State;

(2) Was physically present in this State, except for temporary absences;

and

(3) Did not purchase or apply for any ~~resident license, tag or permit to hunt, fish or trap in~~ **hunting, fishing or trapping privilege or entitlement conditional upon residency from** another state, country or province.

2. A person who does not maintain his or her principal and permanent residence in Nevada but who is attending an institution of higher learning in this State as a full-time student is eligible for a resident license, tag or permit if, during the 6 months next preceding the person's application to the Department for a license, tag or permit, the person:

(a) Was physically present in Nevada, except for temporary trips outside of the State; and

(b) Did not purchase or apply for any ~~resident license, tag or permit to hunt, fish or trap in~~ **hunting, fishing or trapping privilege or entitlement conditional upon residency from** another state, country or province.

3. A resident license, tag or permit issued by this State is void if the person to whom it was issued establishes or maintains his or her principal and permanent residence in and obtains any hunting, fishing or trapping privilege or entitlement conditional on residency from another state, country or province.

4. As used in this section, "principal and permanent residence" means a place where a person is legally domiciled and maintains a permanent habitation in which the person lives and to which the person intends to return when he or she leaves the state in which the permanent habitation is located. The term does not include merely owning a residence in a state.

**Sec. 6.** NRS 502.219 is hereby amended to read as follows:

502.219 1. A program is hereby established for the issuance of additional big game tags each year to be known as "Dream Tags." The program must provide:

(a) For the issuance of Dream Tags to either a resident or nonresident of this State;

(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and

(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section.

2. The Department shall administer the program and shall take such actions as the Department determines are necessary to carry out the provisions of this section and NRS 502.222 and 502.225.

3. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department, at prices established by the Department, subject to the following conditions:

(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each. ~~to persons who purchase a resource enhancement stamp pursuant to NRS 502.222.~~

(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the

private entity agree to act as the agent of the nonprofit organization to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.

(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of game and its habitat, as determined by the Advisory Board on Dream Tags created by NRS 502.225.

4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

5. The nonprofit organization shall, on or before February 1 of each year, report to the Department and the Interim Finance Committee concerning the Dream Tag program, including, without limitation:

(a) The number of Dream Tags issued during the immediately preceding calendar year;

(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;

(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and

(d) Any recommendations concerning the program or necessary legislation.

6. As used in this section, “big game tag” means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk.

**Sec. 7.** NRS 502.222 is hereby amended to read as follows:

502.222 1. ~~{To be eligible to participate in the Dream Tag raffle, a}~~ **Any person ~~{must purchase}~~ may voluntarily donate money to the Wildlife Account in the State General Fund by purchasing** a resource enhancement stamp.

2. Resource enhancement stamps must be sold for a fee of \$10 each by the Department and by persons authorized by the Department to sell the stamps. All money received by the Department for resource enhancement stamps pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

3. The Department shall determine the form of the stamps.

**Sec. 8.** NRS 503.010 is hereby amended to read as follows:

503.010 1. Except as otherwise provided in this section or subsection 2 of NRS 503.005, it is unlawful to harass any game mammals or game birds **by any means, including, without limitation,** with ~~{an}~~ **a manned or unmanned**

aircraft, *firearm*, helicopter ~~or~~, *horse*, *light*, *motorboat*, motor-driven vehicle ~~including a motorboat~~, *noisemaker* or sailboat.

2. Except as otherwise provided in this subsection, it is unlawful to shoot at any game mammals or game birds with a weapon from an aircraft, helicopter or motor-driven vehicle. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking may shoot from a stopped motor vehicle which is not parked on the traveled portion of a public highway, but the person may not shoot from, over or across a highway or road specified in NRS 503.175.

3. It is unlawful to spot or locate game mammals or game birds with any kind of aircraft or helicopter and communicate that information, within 24 hours after the aircraft or helicopter has landed or in violation of a regulation of the Commission, by any means to a person on the ground for the purpose of hunting or trapping. The provisions of this subsection do not prohibit an employee or agent of the Department from providing general information to the public concerning the location of game birds or game mammals.

4. It is unlawful to use any information obtained in violation of the provisions of subsection 3 to hunt or kill game mammals or game birds.

5. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when:

(a) The cargo or passengers, or both, are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the Federal or State Government or by a county or municipal government and which are accessible by a public road; or

(b) The loading or unloading is done in the course of an emergency or search and rescue operation.

6. It is unlawful to:

(a) Use any information obtained from a radio signal or other transmission received from any transmitting device;

(b) Make use of equipment designed to receive a radio signal or other transmission from a transmitting device; or

(c) Use any location information obtained from records maintained by the Department within 1 year after the date on which the information was collected, including, without limitation, records of information received from a transmitting device,

↳ to harass or take any game mammal, game bird or other wildlife.

7. It is unlawful to make use of equipment designed to receive a radio signal or other transmission from a transmitting device for any purpose without written authorization of the Department.

8. The provisions of subsection 1 do not apply to an employee or agent of the Department who, while carrying out his or her duties, conducts a survey of wildlife with the use of an aircraft.

9. As used in this section:

(a) "Aircraft" includes, without limitation, any device that is used for navigation of, or flight in, the air.

(b) “Game bird” does not include a raven, even if classified as a game bird pursuant to NRS 501.110.

(c) “Harass” means to molest, chase, rally, concentrate, herd, intercept, torment or drive.

(d) “Transmitting device” means any collar or other device which is attached to any game mammal, game bird or other wildlife or which is placed for the express purpose of detecting any game mammal, game bird or other wildlife and emits an electronic signal or uses radio telemetry or a satellite transmission to determine the location of the game mammal, game bird or other wildlife.

**Sec. 9.** NRS 503.580 is hereby amended to read as follows:

503.580 1. For the purposes of this section, “public road or highway” means:

(a) A highway designated as a United States highway.

(b) A highway designated as a state highway pursuant to the provisions of NRS 408.285.

(c) A main or general county road as defined by NRS 403.170.

2. It is unlawful for any person, company or corporation to place or set any trap, snare or similar device used for the purpose of trapping mammals within 200 feet of any public road or highway within this State.

3. This section does not ~~prevent~~:

(a) **Prevent** the placing or setting of any trap, snare or similar device inside, along or near a fence which may be situated less than 200 feet from any public road or highway upon privately owned lands.

(b) **Apply to placing or setting a trap, snare or similar device by an employee or agent of the Department.**

**Sec. 10.** This act becomes effective on July 1, 2019.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 85.

Bill read second time.

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

Amendment No. 126.

AN ACT relating to mental health; requiring the adoption of regulations governing the involuntary administration of medication to persons with mental illness and the medical examination of a person alleged to be a person in a mental health crisis; authorizing the adoption of regulations concerning the plan for the discharge of a person admitted to a mental health facility or hospital; revising certain terminology and standardizing certain time periods relating to admission to mental health facilities; revising the authority of certain accredited agents to make certain certifications and transport persons



with mental illness; **revising requirements concerning notification to certain persons of the emergency admission of a person to a mental health facility**; revising the procedure for proceedings for the involuntary court-ordered admission of a person to a mental health facility or a program of community-based or outpatient services; authorizing the disclosure to a provider of health care of certain information related to a person who seeks mental health services; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Health to adopt regulations for the care and treatment of persons with mental illness. (NRS 433.324) **Section 1** of this bill requires those regulations to include regulations governing the procedure for the involuntary administration of medication to such persons. **Section 5** of this bill authorizes the Board to adopt regulations requiring a public or private mental health facility or hospital to adopt a plan for the discharge of a person admitted to the facility or hospital. **Section 5** further requires such facilities to report certain information concerning emergency admissions to the Division of Public and Behavioral Health of the Department of Health and Human Services.

**Section 7** of this bill replaces the term "person with mental illness," as used in provisions concerning the admission of a person to mental health facility or hospital, with the term "person in a mental health crisis." **Section 7** defines the term "person in a mental health crisis" to mean any person: (1) who has ~~been diagnosed with~~ **a** mental illness; and (2) whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of the mental illness, to the extent that the person presents a substantial likelihood of serious harm to himself or herself or others. **Section 4** of this bill prescribes the criteria for determining when a person presents a substantial likelihood of serious harm to himself or herself or others. **Sections 2, 6, 9-23, 26, 27, 29 and 32** of this bill make conforming changes.

Existing law requires a person admitted to a public or private mental health facility on a voluntary basis to be released immediately upon request unless, within 24 hours after the request, the facility changes the status of the person to an emergency admission. (NRS 433A.140) **Section 8** of this bill removes this 24-hour period, thereby requiring the immediate release of a person who has been admitted to a mental health facility on a voluntary basis upon his or her request.

Unless a petition is made for the involuntary court-ordered admission of a person previously admitted to a mental health facility or hospital on an emergency basis, existing law prohibits the detention of such a person for longer than: (1) if the person was originally admitted voluntarily, 48 hours after the status was changed to an emergency admission; and (2) in all other cases, 72 hours after certain requirements have been met. (NRS 433A.145, 433A.150) **Sections 9 and 10** of this bill standardize these time periods to prohibit such detention for longer than 72 hours after the change in status or

after an application **or any part of an application** is made for emergency admission, as applicable.

Existing law authorizes an accredited agent of the Department to: (1) make an application for the emergency admission of a person to a mental health facility or hospital; (2) certify that a person who has been admitted to a mental health facility or hospital on an emergency basis is or is not a person with mental illness; or (3) file a petition for the involuntary court-ordered admission of a person to a mental health facility or a program of community-based or outpatient services. (NRS 433A.160, 433A.170, 433A.195, 433A.200) **Sections 11, 13, 15-17 and 20** of this bill remove this authorization, and **section 11** instead authorizes an accredited agent of the Division to transport a person alleged to be a person in a mental health crisis to a mental health facility or hospital after an application is made for the emergency admission of the person.

Existing law requires a person alleged to be a person with mental illness to undergo a medical examination before the person is admitted to a mental health facility. (NRS 433A.165) **Section 12** of this bill requires the Board to adopt regulations prescribing a procedure to ensure that such an examination is performed.

**Existing law requires the administrative officer of a mental health facility to notify the spouse or legal guardian of a person not later than 24 hours after the person is admitted to the facility under an emergency admission. (NRS 433A.190) Section 14 of this bill instead requires the administrative officer to ensure that a person who is admitted under an emergency admission is asked to give permission to provide notice of the admission to a family member, friend or other person identified by the person. If the person does not give permission, section 14 generally prohibits such notification. If the person is not capable of giving permission, section 14 authorizes the administrative officer to cause the provision of such notice if he or she determines that the notice is in the best interest of the person admitted to the facility. Section 14 requires the notification of a guardian, person designated in a durable power of attorney for health care or attorney-in-fact for a person admitted to a mental health facility under an emergency admission, regardless of whether the person has provided permission to give such notice.**

**Section 19** of this bill revises the date on which a district judge is required to set a hearing on a petition for the involuntary court-ordered admission of a person to a mental health facility or a program of community-based or outpatient services. **Section 22** of this bill requires the court, upon finding that a person admitted as an emergency admission, other than a criminal defendant, is not a person in a mental health crisis, to order the mental health facility or hospital to which the person has been admitted to release the person within 24 hours unless the person remains at the facility or hospital voluntarily.

**Section 24** of this bill abolishes a prohibition on transporting a person to a mental health facility without at least one attendant of the same sex or a relative

in the first degree of consanguinity or affinity being in attendance. **Sections 25 and 28** of this bill authorize the disclosure of certain information concerning persons seeking mental health services to a provider of health care to assist with the treatment of the person.

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

**Section 1.** NRS 433.324 is hereby amended to read as follows:

433.324 1. The State Board of Health shall adopt regulations:

(a) For the care and treatment of persons with mental illness, persons with substance use disorders or persons with co-occurring disorders by all state agencies and facilities, and their referral to private facilities ~~to~~, ***including, without limitation, regulations governing the procedure for the involuntary administration of medication to persons with mental illness;***

(b) To ensure continuity in the care and treatment provided to persons with mental illness, persons with substance use disorders or persons with co-occurring disorders in this State; and

(c) Necessary for the proper and efficient operation of the facilities of the Division.

2. The State Board of Health may adopt regulations to promote programs relating to mental health, substance use disorders and co-occurring disorders.

**Sec. 2.** NRS 433.5503 is hereby amended to read as follows:

433.5503 1. Chemical restraint may only be used on a person with a disability who is a consumer if:

(a) The consumer has been ~~diagnosed as mentally ill,~~ ***deemed to be a person in a mental health crisis,*** as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) The chemical restraint is administered to the consumer while he or she is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the consumer's attending physician, psychiatrist or advanced practice registered nurse;

(e) The physician, psychiatrist or advanced practice registered nurse who signed the order required pursuant to paragraph (d) examines the consumer not later than 1 working day immediately after the administration of the chemical restraint; and

(f) The chemical restraint is administered by a person licensed to administer medication.

2. If chemical restraint is used on a person with a disability who is a consumer, the use of the procedure must be reported as a denial of rights pursuant to NRS 433.534 or 435.610, as applicable, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

Sec. 3. Chapter 433A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *For the purposes of this chapter, a person shall be deemed to present a substantial likelihood of serious harm to himself or herself or others if, without care or treatment, the person is at serious risk of:*

1. *Attempting suicide or homicide;*
2. *Causing bodily injury to himself or herself or others, including, without limitation, death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or a protracted loss or impairment of a body part, organ or mental functioning; or*
3. *Incurring a serious injury, illness or death resulting from complete neglect of basic needs for food, clothing, shelter or personal safety . . . ; or*
- ~~4. *Suffering from or continuing to suffer from severe and abnormal mental, physical or emotional distress associated with significant impairment of judgment, reason or behavior that significantly diminishes the ability of the person to function independently.*~~

Sec. 5. 1. *Each public or private mental health facility and hospital in this State shall, in the manner and time prescribed by regulation of the State Board of Health, report to the Division:*

(a) *The number of applications for emergency admission received by the mental health facility or hospital pursuant to NRS 433A.160 during the immediately preceding quarter; and*

(b) *Any other information prescribed by regulation of the State Board of Health.*

2. *The State Board of Health may adopt regulations that require a public or private mental health facility or hospital to adopt a plan for the discharge of a person admitted to the facility or hospital in accordance with the provisions of this chapter and that prescribe the contents of such a plan.*

Sec. 6. NRS 433A.011 is hereby amended to read as follows:

433A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433A.012 to 433A.019, inclusive, *and NRS 433A.115* have the meanings ascribed to them in those sections.

Sec. 7. NRS 433A.115 is hereby amended to read as follows:

433A.115 ~~1. As used in NRS 433A.115 to 433A.330, inclusive, unless the context otherwise requires, "person with~~

~~1. "Person in a mental [illness]" health crisis" means any person [whose]~~

~~1.] (a) Who has [been diagnosed with] a mental illness; and~~

~~2.] (b) Whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of [a] the mental illness, to the extent that the person presents a [clear and present danger] substantial likelihood of serious harm to himself or herself or others, [but] as determined pursuant to section 4 of this act.~~

2. *The term* does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

~~12.— A person presents a clear and present danger of harm to himself or herself if, within the immediately preceding 30 days, the person has, as a result of a mental illness:~~

~~—(a) Acted in a manner from which it may reasonably be inferred that, without the care, supervision or continued assistance of others, the person will be unable to satisfy his or her need for nourishment, personal or medical care, shelter, self protection or safety, and if there exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days unless he or she is admitted to a mental health facility or required to participate in a program of community based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person;~~

~~—(b) Attempted or threatened to commit suicide or committed acts in furtherance of a threat to commit suicide, and if there exists a reasonable probability that the person will commit suicide unless he or she is admitted to a mental health facility or required to participate in a program of community-based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person; or~~

~~—(c) Mutilated himself or herself, attempted or threatened to mutilate himself or herself or committed acts in furtherance of a threat to mutilate himself or herself, and if there exists a reasonable probability that he or she will mutilate himself or herself unless the person is admitted to a mental health facility or required to participate in a program of community based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to the person.~~

~~3.— A person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted to a mental health facility or required to participate in a program of community based or outpatient services pursuant to the provisions of NRS 433A.115 to 433A.330, inclusive, and adequate treatment is provided to him or her. *as determined pursuant to section 4 of this act.*~~

**Sec. 8.** NRS 433A.140 is hereby amended to read as follows:

433A.140 1. Any person may apply to:

(a) A public or private mental health facility in the State of Nevada for admission to the facility; or

(b) A division facility to receive care, treatment or training provided by the Division,

↪ as a voluntary consumer for the purposes of observation, diagnosis, care and treatment. In the case of a person who has not attained the age of majority, application for voluntary admission or care, treatment or training may be made on his or her behalf by the person's spouse, parent or legal guardian.

2. If the application is for admission to a division facility, or for care, treatment or training provided by the Division, the applicant must be admitted or provided such services as a voluntary consumer if an examination by personnel of the facility qualified to make such a determination reveals that the person needs and may benefit from services offered by the mental health facility.

3. Any person admitted to a public or private mental health facility as a voluntary consumer must be released immediately after the filing of a written request for release with the responsible physician or that physician's designee within the normal working day, unless ~~[- within 24 hours after the request,]~~ the facility changes the status of the person to an emergency admission pursuant to NRS 433A.145. When a person is released pursuant to this subsection, the facility and its agents and employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

4. Any person admitted to a public or private mental health facility as a voluntary consumer who has not requested release may nonetheless be released by the medical director of the facility when examining personnel at the facility determine that the consumer has recovered or has improved to such an extent that the consumer is not considered a danger to himself or herself or others and that the services of that facility are no longer beneficial to the consumer or advisable.

5. A person who requests care, treatment or training from the Division pursuant to this section must be evaluated by the personnel of the Division to determine whether the person is eligible for the services offered by the Division. The evaluation must be conducted:

- (a) Within 72 hours if the person has requested inpatient services; or
- (b) Within 72 regular operating hours, excluding weekends and holidays, if the person has requested community-based or outpatient services.

6. This section does not preclude a public facility from making decisions, policies, procedures and practices within the limits of the money made available to the facility.

**Sec. 9.** NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person ~~[with]~~ *in a* mental ~~[illness]~~ *health crisis* is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist, physician,

physician assistant, clinical social worker ~~or~~ *or* advanced practice registered nurse ~~for accredited agent of the Department~~ pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of ~~48~~ 72 hours after the change in status is made unless, before the close of the business day on which the ~~48~~ 72 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

**Sec. 10.** NRS 433A.150 is hereby amended to read as follows:

433A.150 1. Any person alleged to be a person ~~with~~ *in a* mental ~~illness~~ *health crisis* may, upon application pursuant to NRS 433A.160 and subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital under an emergency admission for evaluation, observation and treatment.

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends and holidays, after the ~~certificate required pursuant to NRS 433A.170 and the examination required by paragraph (a) of subsection 1 of NRS 433A.165 have been completed, if such an examination is required, or within 72 hours, including weekends and holidays, after the person arrives at the mental health facility or hospital, if an examination is not required by paragraph (a) of subsection 1 of NRS 433A.165.~~ *application for emergency admission or any part of such an application is made pursuant to NRS 433A.160* unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

**Sec. 11.** NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person ~~with~~ *in a* mental ~~illness~~ *health crisis* for evaluation, observation and treatment may only be made by ~~an accredited agent of the Department,~~ an officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The ~~agent,~~ officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person ~~with~~ **in a mental illness** ~~health crisis~~ into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person ~~with~~ **in a mental illness** ~~health crisis~~ to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; ~~or~~

(IV) **An accredited agent of the Division; or**

(V) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

↪ only if the ~~agent~~ officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse, ~~has~~ based upon his or her personal observation of the person ~~alleged to be a person with mental illness~~, **has** probable cause to believe that the person ~~has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty~~ **is a person in a mental health crisis.**

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person ~~with~~ **in a mental illness** ~~health crisis~~ into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system, **agent** or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person ~~with~~ **in a mental illness** ~~health crisis~~ to a public or private mental health facility or hospital for that purpose.

↪ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person ~~has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty~~ **is a person in a mental health crisis.**

2. An application for the emergency admission of a person alleged to be a person ~~with~~ **in a mental illness** ~~health crisis~~ for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person ~~with~~ **in a mental illness** ~~health crisis~~ may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person ~~with~~ **in a mental illness** ~~health crisis~~ for evaluation, observation



and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. ***The State Board of Health shall adopt regulations governing the manner in which:***

(a) ***A person may apply to become an accredited agent of the Division; and***

(b) ***Accredited agents of the Division will be monitored and disciplined for professional misconduct.***

6. As used in this section, “an accredited agent of the ~~{Department}~~ **Division**” means any person ~~{appointed or designated}~~ **authorized** by the ~~{Director of the Department}~~ **Division** to ~~{take into custody and}~~ transport to a mental health facility pursuant to ~~{subsections}~~ **subparagraph 2 of paragraph (a) of subsection 1 and 2}** those persons in need of emergency admission.

**Sec. 12.** NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person ~~{with}~~ **in a mental ~~{illness}~~ health crisis** may be admitted to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse licensed pursuant to NRS 632.237 at any location where such a physician, physician assistant or advanced practice registered nurse is authorized to conduct such an examination to determine whether the person has a medical ~~{problem,}~~ **condition**, other than a psychiatric ~~{problem,}~~ **condition**, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care;

or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person ~~{with}~~ **in a mental ~~{illness}~~ health crisis** has a medical ~~{problem}~~ **condition** in addition to a psychiatric ~~{problem}~~ **condition** which requires medical treatment that requires more than 72 hours to complete, the licensed physician, physician assistant or advanced practice registered nurse who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary file with the clerk of the district court a written petition to admit

the person to a public or private mental health facility pursuant to NRS 433A.160 after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of the application for the emergency admission of the person required pursuant to NRS 433A.160 and the certificate required pursuant to NRS 433A.170.

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person ~~with~~ **in a mental illness health crisis** resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person ~~with~~ **in a mental illness health crisis** or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person ~~with~~ **in a mental illness health crisis** resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced practice registered nurses or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The ~~Division~~ **State Board of Health** shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define “emergency services or care” as that term is used in this section;  
~~and~~

(b) *Prescribe a procedure to ensure that an examination is performed pursuant to paragraph (a) of subsection 1; and*

(c) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, “medical facility” has the meaning ascribed to it in NRS 449.0151.

**Sec. 13.** NRS 433A.170 is hereby amended to read as follows:

433A.170 Except as otherwise provided in this section, the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a licensed psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 ~~or~~ an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 ~~for an accredited agent of the Department~~ stating that he or she has examined the person alleged to be a person ~~with~~ *in a mental illness health crisis* and that he or she has concluded that the person ~~has~~ *is a person in a mental illness* and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~health crisis.~~ The certificate required by this section may be obtained from a licensed psychologist, physician, physician assistant, clinical social worker ~~or~~ advanced practice registered nurse ~~for accredited agent of the Department~~ who is employed by the public or private mental health facility or hospital to which the application is made.

**Sec. 14.** NRS 433A.190 is hereby amended to read as follows:

433A.190 ~~Within~~

1. The administrative officer of a public or private mental health facility shall ensure that, within 24 hours of a person’s admission under the emergency admission ~~of a person alleged to be a person in a mental health crisis pursuant to NRS 433A.150, the administrative officer of a public or private mental health facility~~ person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

2. If a person alleged to be a person in a mental health crisis gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ~~give notice~~ ensure that:

(a) The permission is recorded in the medical record of the person; and

(b) Notice of ~~such~~ the admission is promptly provided to the family member, friend or other person in person ~~or~~ by telephone, ~~or~~ facsimile

~~[and by], other electronic communication or certified mail, to the spouse or legal guardian of that person.]~~

**3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.**

**4. If a person alleged to be a person in a mental health crisis is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.**

**5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis or the person has executed a durable power of attorney for health care pursuant to NRS 162A.700 to 162A.865, inclusive, or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility must ensure that the guardian, agent designated by the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.**

**Sec. 15.** NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a psychiatrist, psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 ~~or~~ **or** an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 ~~for an accredited agent of the Department]~~ stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person ~~with] in a mental illness.]~~ **health crisis.**

**Sec. 16.** NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a psychologist, physician, physician assistant, clinical social worker ~~or advanced practice registered nurse for accredited agent of the Department]~~ **or** advanced practice registered nurse ~~for accredited agent of the Department]~~ who is related by blood or marriage within the second degree of consanguinity or affinity to the person alleged to be a person ~~with] in a mental~~

~~illness;~~ **health crisis**, or who is financially interested in the facility in which the person alleged to be a person ~~with~~ **in a mental illness** **health crisis** is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person ~~with~~ **in a mental illness** **health crisis** made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person ~~with~~ **in a mental illness** **health crisis** made by the examining physician, physician assistant, psychologist, clinical social worker ~~or~~ **or** advanced practice registered nurse ~~for accredited agent of the Department.~~ The certificate authorized pursuant to NRS 433A.195 must describe in detail the facts and reasons on which the examining physician, physician assistant, psychologist, clinical social worker ~~or~~ **or** advanced practice registered nurse ~~for accredited agent of the Department~~ based his or her opinions and conclusions.

**Sec. 17.** NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in subsection 3 and NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, physician assistant, psychologist, social worker or registered nurse ~~by an accredited agent of the Department~~ or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 ~~or~~ **or** an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 ~~for an accredited agent of the Department~~ stating that he or she has examined the person alleged to be a person ~~with~~ **in a mental illness** **health crisis** and has concluded that the person ~~has~~ **is a person in** a mental ~~illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services;~~ **health crisis**; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person ~~with~~ *in a mental illness;* *health crisis*, probable cause to believe that the person ~~has~~ *is a person in a mental illness* and, ~~because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services;~~ *health crisis*; and

(2) The person alleged to be a person ~~with~~ *in a mental illness;* *health crisis* has refused to submit to examination or treatment by a physician, psychiatrist, licensed psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. A proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services may be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if:

(a) The defendant has been examined in accordance with NRS 178.415;

(b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

(c) The Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.

**Sec. 18.** NRS 433A.210 is hereby amended to read as follows:

433A.210 In addition to the requirements of NRS 433A.200, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered admission of a person pursuant to NRS 433A.145 or 433A.150 must include a certified copy of:

1. The application for the emergency admission of the person made pursuant to NRS 433A.160; and

2. A petition executed by a psychiatrist, licensed psychologist, physician or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, including, without limitation, a sworn statement that:

(a) He or she has examined the person alleged to be a person ~~with~~ *in a mental illness;* *health crisis*;

(b) In his or her opinion, there is a reasonable degree of certainty that the person alleged to be a person ~~with~~ *in a mental illness;* *health crisis* suffers from a mental illness;

(c) Based on his or her personal observation of the person alleged to be a person ~~with~~ **in a mental illness health crisis** and other facts set forth in the petition, the person ~~poses~~ **presents** a **substantial** risk of ~~imminent~~ **serious** harm to himself or herself or others ~~it~~, **as determined pursuant to section 4 of this act**; and

(d) In his or her opinion, involuntary admission of the person alleged to be a person ~~with~~ **in a mental illness health crisis** to a mental health facility or hospital is medically necessary to prevent the person from harming himself or herself or others.

**Sec. 19.** NRS 433A.220 is hereby amended to read as follows:

433A.220 1. Immediately after the clerk of the district court receives any petition filed pursuant to NRS 433A.200 or 433A.210, the clerk shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. Immediately after a motion is made pursuant to subsection 3 of NRS 433A.200, the district judge shall set a time, date and place for its hearing. The date must be within ~~5~~ **6** judicial days after the date on which the petition is received by the clerk or the motion is made, as applicable ~~it~~, **unless otherwise stipulated by an attorney representing the person alleged to be a person in a mental health crisis and the district attorney**. If the Chief Judge, if any, of the district court has assigned a district court judge or hearing master to preside over such hearings, that judge or hearing master must preside over the hearing.

2. The court shall give notice of the petition or motion and of the time, date and place of any proceedings thereon to the subject of the petition or motion, his or her attorney, if known, the person's legal guardian, the petitioner, if applicable, the district attorney of the county in which the court has its principal office, the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons ~~with mental illness~~ **in a mental health crisis** and the administrative office of any public or private mental health facility in which the subject of the petition or motion is detained.

3. The provisions of this section do not preclude a facility from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate. If the person has a legal guardian, the facility shall notify the guardian prior to discharging the person from the facility. The legal guardian has discretion to determine where the person will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the person will be released within 3 days after the date of notification, the facility shall discharge the person according to its proposed discharge plan.

**Sec. 20.** NRS 433A.230 is hereby amended to read as follows:

433A.230 The court in its discretion may require any petitioner under NRS 433A.200, except ~~any duly accredited agent of the Department or~~ any officer authorized to make arrests in the State of Nevada, to file an undertaking with surety to be approved by the court in the amount the court deems proper,

conditioned to save harmless the person alleged to be ~~mentally ill~~ **a person in a mental health crisis** by reason of costs incurred, including attorney fees, if any, and damages suffered by the person as a result of such action.

**Sec. 21.** NRS 433A.280 is hereby amended to read as follows:

433A.280 In proceedings for involuntary court-ordered admission, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to be a person ~~with~~ **in a mental illness health crisis** and the certificates of physicians, certified psychologists or advanced practice registered nurses accompanying the petition, if applicable. The court may consider testimony relating to any past actions of the person alleged to be a person ~~with~~ **in a mental illness health crisis** if such testimony is probative of the question of whether the person is presently ~~mentally ill and presents a clear and present danger of harm to himself or herself or others.~~ **a person in a mental health crisis.**

**Sec. 22.** NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in subsection 2 and NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held ~~has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services.~~ **is a person in a mental health crisis**, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility or to a program of community-based or outpatient services. ***If the person has been admitted to a public or private mental health facility or hospital pursuant to NRS 433A.160, the court must issue a written order requiring the facility or hospital to release the person not later than 24 hours after the court issues the order, unless the person applies for admission as a voluntary consumer pursuant to NRS 433A.140.***

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held ~~has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services.~~ **is a person in a mental health crisis**, the court may order the involuntary admission of the person for the most appropriate course of treatment, including, without limitation, admission to a public or private mental health facility or participation in a program of community-based or outpatient services. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.



2. If the district court finds, after proceedings for the involuntary court-ordered admission of a defendant in a criminal proceeding pursuant to subsection 3 of NRS 433A.200:

(a) That there is not clear and convincing evidence that the defendant with respect to whom the hearing was held ~~has a mental illness or exhibits observable behavior such that the defendant is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services,~~ **is a person in a mental health crisis**, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a program of community-based or outpatient services.

(b) That there is clear and convincing evidence that the defendant with respect to whom the hearing was held ~~has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services,~~ **is a person in a mental health crisis**, except as otherwise provided in this paragraph, the court shall order the involuntary admission of the defendant for participation in a program of community-based or outpatient services and suspend further proceedings in the criminal proceeding against the defendant until the defendant completes or is removed from the program. If the offense allegedly committed by the defendant is a category A or B felony or involved the use or threatened use of force or violence, the court may not order the involuntary admission of the defendant for participation in a program pursuant to this paragraph unless the prosecuting attorney stipulates to the assignment. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390. If the defendant successfully completes a program of community-based or outpatient services to the satisfaction of the court, the court shall dismiss the criminal charges against the defendant with prejudice.

3. If, pursuant to NRS 176A.400, the district court issues an order granting probation to a defendant in a criminal proceeding with a condition that the defendant submit to mental health treatment and comply with instructions, admission to a program of community-based or outpatient services may be used to satisfy such a condition if the Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.

4. A court shall not admit a person to a program of community-based or outpatient services unless:

(a) A program of community-based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;

(b) The person is 18 years of age or older;

(c) The person has a history of noncompliance with treatment for mental illness;

(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;

(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community-based or outpatient services to prevent further disability or deterioration of the person which ~~is likely to result in~~ **presents a substantial likelihood of serious harm to himself or herself or others** ~~};~~, **as determined pursuant to section 4 of this act;**

(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;

(g) The program of community-based or outpatient services is the least restrictive treatment which is in the best interest of the person; and

(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.

5. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 or paragraph (b) of subsection 2 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390 or by the professional responsible for providing or coordinating the program of community-based or outpatient services as provided for in subsection 3 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division, any mental health facility that is not operated by the Division or a program of community-based or outpatient services may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 or 2 that was required for the initial period of admission of the person to a public or private mental health facility or to a program of community-based or outpatient services.

6. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including involuntary admission to a program of community-based or outpatient services, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

7. If the court issues an order involuntarily admitting a person to a public or private mental health facility or to a program of community-based or outpatient services pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

8. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

**Sec. 23.** NRS 433A.327 is hereby amended to read as follows:

433A.327 1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the person does not present a ~~danger~~ **substantial likelihood of serious** harm to himself or herself or others. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the person to participate in the program, to the attorney of the person and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the professional determines that the conditional release is no longer appropriate because that person presents a ~~clear and present danger~~ **substantial likelihood of serious** harm to himself or herself or others ~~}, as determined pursuant to section 4 of this act.~~ Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted

the person to the program. If an emergency exists in which the person presents ~~an imminent threat of danger~~ **a substantial likelihood of serious** harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The court shall serve notice on the person who was ordered to resume participation in the program and to his or her attorney of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

**Sec. 24.** NRS 433A.330 is hereby amended to read as follows:

433A.330 ~~++~~ When an involuntary court admission to a mental health facility is ordered under the provisions of this chapter, the involuntarily admitted person, together with the court orders and certificates of the physicians, certified psychologists, advanced practice registered nurses or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

~~+(a)~~ 1. Transport the person; or

~~+(b)~~ 2. Arrange for the person to be transported by:

~~+(1)~~ (a) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority; or

~~+(2)~~ (b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,  
 ↪ to the appropriate public or private mental health facility.

~~+(2) — No person with mental illness may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.]~~

**Sec. 25.** NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each consumer must be diligently maintained by any division facility, private institution, facility offering mental health services or program of community-based or outpatient services. The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except ~~++~~ **as otherwise provided in subsection 2 or except:**

(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, advanced practice registered nurses, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. ***A division facility, private institution, facility offering mental health services or program of community-based or outpatient services and any other person or entity having information concerning a consumer, including, without limitation, a clinical record, any part thereof or any information contained therein, may disclose such information to a provider of health care to assist with treatment provided to the consumer.***

3. As used in this section ~~["consumer"]~~ <sup>["consumer"]</sup>:

(a) ***"Consumer"*** includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, from treatment to

competency in a private institution or facility offering mental health services, or from a program of community-based or outpatient services.

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

**Sec. 26.** NRS 433A.380 is hereby amended to read as follows:

433A.380 1. Except as otherwise provided in subsection 4, any person involuntarily admitted by a court may be conditionally released from a public or private mental health facility when, in the judgment of the medical director of the facility, the conditional release is in the best interest of the person and will not be detrimental to the public welfare. The medical director of the facility or the medical director’s designee shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of treatment pursuant to NRS 433A.310. If the person has a legal guardian, the facility shall notify the guardian before discharging the person from the facility. The legal guardian has discretion to determine where the person will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the person will be released within 3 days after the date of notification, the facility shall discharge the person according to its proposed discharge plan.

2. When a person is conditionally released pursuant to subsection 1, the State or any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

3. When a person who has been adjudicated by a court to be incapacitated is conditionally released from a mental health facility, the administrative officer of the mental health facility shall petition the court for restoration of full civil and legal rights as deemed necessary to facilitate the incapacitated person’s rehabilitation. If the person has a legal guardian, the petition must be filed with the court having jurisdiction over the guardianship.

4. A person who was involuntarily admitted by a court because he or she was likely to **present a substantial likelihood of serious harm to himself or herself or** others ~~if allowed to remain at liberty~~, **as determined pursuant to section 4 of this act**, may be conditionally released only if, at the time of the release, written notice is given to the court which admitted him or her, to the person’s legal guardian and to the district attorney of the county in which the proceedings for admission were held.

5. Except as otherwise provided in subsection 7, the administrative officer of a public or private mental health facility or the administrative officer’s designee shall order a person who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that person’s treatment team who is professionally qualified in the field of psychiatric mental health determine ~~[pursuant to NRS 433A.115,]~~ that the conditional release is no longer appropriate because that person presents a ~~clear and present danger~~ **substantial likelihood of serious harm to himself or**

herself or others ~~};~~, **as determined pursuant to section 4 of this act.** Except as otherwise provided in this subsection, the administrative officer or the designee shall, at least 3 days before the issuance of the order to return, give written notice of the order to the court that admitted the person to the facility and to the person's legal guardian. If an emergency exists in which the person presents ~~[an imminent threat of danger]~~ **a substantial likelihood** of harm to himself or herself or others, **as determined pursuant to section 4 of this act,** the order must be submitted to the court and the legal guardian not later than 1 business day after the order is issued.

6. The court shall review an order submitted pursuant to subsection 5 and the current condition of the person who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for involuntary court-ordered admissions, but in no event later than 5 judicial days after the person is returned to the facility. The administrative officer or the administrative officer's designee shall give written notice to the person who was ordered to return to the facility, to the person's legal guardian and to the person's attorney, if known, of the time, date and place of the hearing and of the facts necessitating that person's return to the facility.

7. The provisions of subsection 5 do not apply if the period of conditional release has expired.

**Sec. 27.** NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility or to a program of community-based or outpatient services by court order, is released at the end of the period specified pursuant to NRS 433A.310, written notice must be given to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. The consumer may then be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the professional responsible for providing or coordinating the program of community-based or outpatient services shall notify the guardian before discharging the consumer from the facility or program. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team or the professional responsible for providing or coordinating the program of community-based or outpatient services. If the legal guardian does not inform the facility or professional as to where the consumer will be released within 3 days after the date of notification, the facility or professional shall discharge the consumer according to its proposed discharge plan.

2. A consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in NRS 433A.310 when:

(a) An evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the consumer ~~has recovered from his or her mental illness or has improved to such an extent that the consumer~~

~~is no longer considered to present a clear and present danger of harm to himself or herself or others;] is no longer a person in a mental health crisis; and~~

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer. If the consumer has a legal guardian, the facility shall notify the guardian before discharging the consumer from the facility. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

3. A consumer who is involuntarily admitted to a program of community-based or outpatient services may be unconditionally released before the period specified in NRS 433A.310 when:

(a) The professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer determines that the consumer ~~has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others;] is no longer a person in a mental health crisis; and~~

(b) Under advisement from an evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.

**Sec. 28.** NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State for the purpose of obtaining mental health treatment.

2. Except as otherwise provided in subsections 4, 5 and 6, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.



3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital, a mental health facility or a program of community-based or outpatient services in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon the request of a public or private hospital or a mental health facility to which a person has been admitted in this State, the court shall:

(a) Authorize the release of a copy of any order which was entered by the court pursuant to paragraph (b) of subsection 1 of NRS 433A.310 if:

(1) The request is in writing and includes the name and date of birth of the person who is the subject of the requested order; and

(2) The hospital or facility certifies that:

(I) The person who is the subject of the requested order is, at the time of the request, admitted to the hospital or facility and is being treated for an alleged mental illness; and

(II) The requested order is necessary to improve the care which is being provided to the person who is the subject of the order.

(b) Place the request in the record under seal.

6. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

7. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital, mental health facility or program of community-based or outpatient services, is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

- (a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;
- (b) A transfer of a firearm; or
- (c) An application for a position of employment described in subsection 4.

8. ***A court may disclose information contained in a record sealed pursuant to this section to a provider of health care to assist with treatment provided to the consumer.***

9. As used in this section:

(a) “Firefighter” means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, “fire-fighting agency” means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) “Peace officer” has the meaning ascribed to it in NRS 289.010.

(c) ***“Provider of health care” has the meaning ascribed to it in NRS 629.031.***

(d) “Seal” means placing records in a separate file or other repository not accessible to the general public.

**Sec. 29.** NRS 433A.750 is hereby amended to read as follows:

433A.750 1. A person who:

(a) Without probable cause for believing a person ~~to be mentally ill~~ ***is a person in a mental health crisis*** causes or conspires with or assists another to cause the involuntary court-ordered admission of the person under this chapter;

or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to the person under this chapter,

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

2. Unless a greater penalty is provided in subsection 1, a person who knowingly and willfully violates any provision of this chapter regarding the admission of a person to, or discharge of a person from, a public or private mental health facility or a program of community-based or outpatient services is guilty of a gross misdemeanor.

3. A person who, without probable cause for believing another person ~~to be mentally ill~~ ***is a person in a mental health crisis***, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention, admission or restraint of the person alleged to be ~~mentally ill~~ ***a person in a mental health crisis***, or any physician, psychiatrist, licensed psychologist, advanced

practice registered nurse or other person professionally qualified in the field of psychiatric mental health who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

**Sec. 30.** NRS 449A.245 is hereby amended to read as follows:

449A.245 1. Chemical restraint may only be used on a person with a disability who is a patient at a facility if:

(a) The patient has been diagnosed as a person ~~[with]~~ *in a mental illness,* **health crisis**, as defined in NRS 433A.115, and is receiving mental health services from a facility;

(b) The chemical restraint is administered to the patient while he or she is under the care of the facility;

(c) An emergency exists that necessitates the use of chemical restraint;

(d) A medical order authorizing the use of chemical restraint is obtained from the patient's attending physician, psychiatrist or advanced practice registered nurse;

(e) The physician, psychiatrist or advanced practice registered nurse who signed the order required pursuant to paragraph (d) examines the patient not later than 1 working day immediately after the administration of the chemical restraint; and

(f) The chemical restraint is administered by a person licensed to administer medication.

2. If chemical restraint is used on a person with a disability who is a patient, the use of the procedure must be reported as a denial of rights pursuant to NRS 449A.263, regardless of whether the use of the procedure is authorized by statute. The report must be made not later than 1 working day after the procedure is used.

**Sec. 31.** 1. The amendatory provisions of NRS 433A.140, as amended by section 8 of this act, apply to any person:

(a) Who has been admitted to a public or private mental health facility; and

(b) Whose status is that of a voluntary consumer on or after January 1, 2020, regardless of the date on which he or she was admitted.

2. The amendatory provisions of NRS 433A.145, 433A.150 and 433A.310, as amended by sections 9, 10 and 22 of this act, respectively, apply to any person:

(a) Who has been admitted to a public or private mental health facility; and

(b) Whose status is that of an emergency consumer on or after January 1, 2020, regardless of the date on which he or she was admitted.

**Sec. 32.** The Legislative Counsel shall, in preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "person in a mental health crisis" for the term "person with mental illness" as previously used in chapter 433A of NRS.

**Sec. 33.** This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time and ordered to third reading.

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 9.

AN ACT relating to state employment; revising provisions governing the preferences provided to veterans relating to employment in the classified service of the State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes certain preferences for veterans relating to appointment and promotion to positions in the classified service of the Executive Department of the State Government. (NRS 284.260, 284.265) Existing law defines a veteran for the purposes of these preferences to mean a resident of this State who has certain military service and was separated from such service under conditions other than dishonorable. (NRS 284.015, 417.005) ~~This~~ **Section 1 of this** bill removes the residency qualification, thereby making veterans who are not residents of Nevada eligible for the veterans' preferences relating to employment in the classified service.

**Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to submit to the Director of the Department of Veterans Services and make available to the public a monthly report which lists the names of all veterans and certain other persons who are employed in the classified or unclassified service of the State. (NRS 284.105) Because section 1 removes the residency qualification from the definition of the term "veteran," section 1 requires the Director to report the names of such veterans who are residents of this State and veterans who do not reside in this State. Section 1.5 of this bill requires the report to state whether each veteran listed is a resident of this State.**

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

**Section 1.** NRS 284.015 is hereby amended to read as follows:

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

1. "Administrator" means the Administrator of the Division.
2. "Commission" means the Personnel Commission.

3. "Disability," includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.

4. "Division" means the Division of Human Resource Management of the Department of Administration.

5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

7. "Veteran" ~~has the meaning ascribed to it in NRS 417.005.~~ *means a person who:*

*(a) Was regularly enlisted, drafted, inducted or commissioned in the:*

*(1) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;*

*(2) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or*

*(3) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States; and*

*(b) Was separated from such service under conditions other than dishonorable.*

8. "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to NRS 417.0187.

**Sec. 1.5. NRS 284.105 is hereby amended to read as follows:**

284.105 1. The Administrator shall direct and supervise all administrative and technical activities of the Division.

2. In addition to the duties imposed upon the Administrator elsewhere in this chapter, the Administrator shall:

(a) Apply and carry out the provisions of this chapter and the regulations adopted pursuant to it.

(b) Establish objectives for the Division in terms which are specific, measurable and conducive to reliable evaluation, and develop a plan for accomplishing those objectives.

(c) Establish a system of appropriate policies for each function within the Division.

(d) Attend all meetings of the Commission.

(e) Advise the Commission with respect to the preparation and adoption of regulations to carry out the provisions of this chapter.

(f) Report to the Governor and the Commission upon all matters concerning the administration of the Administrator's office and request the advice of the Commission on matters concerning the policies of the Division, but the Administrator is responsible for the conduct of the Division and its administrative functions unless otherwise provided by law.

(g) Establish and maintain a roster of all employees in the public service. The roster must set forth, as to each employee:

- (1) The class title of the position held.
- (2) The salary or pay.
- (3) Any change in class title, pay or status.
- (4) Other pertinent data.

(h) Submit to the Director of the Department of Veterans Services and make available to the public a monthly report which lists the names of all veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed in the classified or unclassified service of the State. **The report must state whether each veteran listed is a resident of this State.**

(i) Submit to the Governor and the Director of the Legislative Counsel Bureau for distribution to the Legislature a report for each calendar quarter on the total combined number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who were hired in the classified or unclassified service of the State during the quarter.

(j) Ensure, to the extent practicable, that the combined total percentage of officers and employees in public service who are veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, is proportional to the combined total percentage of veterans and, to the extent the information is available, such widows and widowers, who reside in this State and are in the labor force.

(k) In cooperation with appointing authorities and others, foster and develop programs for improving the effectiveness and morale of employees, including training and procedures for hearing and adjusting grievances.

(l) Encourage and exercise leadership in the development of effective personnel administration within the several departments in the public service, and make available the facilities and services of the Division and its employees to this end.

(m) Make to the Commission and to the Governor such special reports as the Administrator may consider desirable.

(n) Maintain a continuous program of recruiting for the classified service.

(o) Perform any other lawful acts which the Administrator may consider necessary or desirable to carry out the purposes and provisions of this chapter.

**Sec. 2.** This act becomes effective:

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

2. On October 1, 2019, for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 90.

Bill read second time.

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

Amendment No. 32.

AN ACT relating to employment; requiring private employers that provide employees with sick leave to allow an employee to use such leave to help a member of the employee's immediate family with certain medical needs; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a private employer to pay an employee certain minimum compensation and to provide certain benefits, including overtime compensation and meal and rest breaks, with certain exceptions. (NRS 608.018, 608.019, 608.250) **Section 1** of this bill requires a private employer that provides employees with sick leave to allow an employee to use accrued sick leave for an absence due to an illness, injury, medical appointment or other authorized medical need of a member of the employee's immediate family. Additionally, **section 1** authorizes such an employer to limit the amount of sick leave an employee may use for these purposes. **Section 1** also requires the Labor Commissioner to prepare and post a bulletin setting forth an explanation of the provisions of this bill and requires a private employer that provides employees with sick leave to post the bulletin in the workplace.

**Section 2** of this bill requires the Labor Commissioner to enforce the provisions of **section 1**, and **section 3** of this bill makes a violation of the provisions of **section 1** a misdemeanor and authorizes the Labor Commissioner to impose, in addition to any other remedy or penalty, a penalty of up to \$5,000 for each violation. (NRS 608.180, 608.195)

WHEREAS, More than 40 million Americans provide unpaid care to someone who is over the age of 18 years and ill or disabled and approximately 4 out of 10

caregivers consider their caregiving situation to be highly stressful and report difficulties with managing emotional and physical stress, balancing work and family responsibilities and finding time for themselves; and

WHEREAS, In 2013, 348,000 Nevada family caregivers provided more than 324,000,000 hours of unpaid care, estimated at a value of \$4.27 billion; and

WHEREAS, According to a 2015 survey of registered voters in Nevada, 58 percent of family caregivers in Nevada have been employed full-time or part-time while providing care; and

WHEREAS, After surveying numerous studies, the United States Equal Employment Opportunity Commission determined that flexible workplace policies enhance employee productivity, reduce absenteeism, lower costs, aid in retention and recruitment of the best talent and may positively affect profits; now, therefore,

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

**Section 1.** Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *Except as otherwise provided in this section, if an employer provides paid or unpaid sick leave for the use of his or her employees, the employer must allow an employee to use any accrued sick leave to assist a member of the immediate family of the employee who has an illness, injury, medical appointment or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking such leave.***

**2. *An employer may limit the amount of sick leave that an employee may use pursuant to subsection 1 to an amount which is equal to not less than the amount of sick leave that the employee accrues during a 6-month period.***

**3. *The Labor Commissioner shall prepare a bulletin which clearly sets forth an explanation of the provisions of this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of the Labor Commissioner and shall require each employer that provides sick leave to employees to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.***

**4. *The provisions of this section shall not be construed to:***

**(a) *Limit or abridge any other rights, remedies or procedures available under the law;***

**(b) *Negate any other rights, remedies or procedures available to an aggrieved party;***

**(c) *Prohibit, preempt or discourage any contract or other agreement that provides a more generous sick leave benefit or paid time off benefit; or***

**(d) *Extend the maximum amount of leave to which an employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.***

**5. *An employer shall not deny an employee the right to use accrued sick leave in accordance with the provisions of this section or retaliate against an employee for attempting to prosecute a violation of this section or for exercising any rights afforded by this section.***

**6. *The provisions of this section do not apply to the extent prohibited by federal law.***



7. *As used in this section, "immediate family" means ~~the~~ :*

*(a) The child, foster child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent of an employee ~~is~~; or*

*(b) Any person for whom the employee is the legal guardian.*

**Sec. 2.** NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, **section 1 of this act** and **NRS 608.215** to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

**Sec. 3.** NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, **section 1 of this act** or **NRS 608.215**, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 92.

Bill read second time and ordered to third reading.

Assembly Bill No. 93.

Bill read second time and ordered to third reading.

Assembly Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 48.

AN ACT relating to water; requiring the State Engineer to continue to allow withdrawals of groundwater from domestic wells under certain circumstances in groundwater basins where withdrawals have been restricted to conform to priority rights; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Engineer to conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and vested rights claimants. If the State Engineer confirms that the average annual replenishment to the groundwater supply may not be adequate, he or she may order that withdrawals, including withdrawals from domestic wells, be restricted to conform to priority rights. (NRS 534.110)

Existing law: (1) authorizes the State Engineer to designate as a critical management area any groundwater basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin; and (2) requires the State Engineer to designate as a critical management area any groundwater basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such designation. If a groundwater basin is designated as a critical management area for at least 10 consecutive years, the State Engineer is required to order that withdrawals, including withdrawals from domestic wells, be restricted to conform to priority rights. (NRS 534.110)

This bill provides that **if a court of competent jurisdiction orders the State Engineer to restrict withdrawals to conform to priority rights or if the State Engineer orders that withdrawals be restricted to conform to priority rights in any of these groundwater basins, ~~he or she~~ the State Engineer** must limit the restriction on withdrawals from domestic wells to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year if the owner of the domestic well installs or has installed a water meter to record the withdrawal.

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

**Section 1.** NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

↳ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

↳ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.

6. Except as otherwise provided in subsection 7, the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, ***except as otherwise provided in subsection 9***, the State Engineer may order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.

7. The State Engineer:

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

↳ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for at least 10 consecutive years,

*except as otherwise provided in subsection 9*, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.

8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

**9. If a court of competent jurisdiction orders the State Engineer to restrict withdrawals to conform to priority rights or if pursuant to subsection 6 or 7 the State Engineer orders ~~pursuant to subsection 6 or 7~~ that withdrawals be restricted to conform to priority rights, the State Engineer must limit the restriction of withdrawals from a domestic well to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year, which must be recorded by a water meter.**

Sec. 2. This act becomes effective on July 1, 2019.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 96.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 49.

SUMMARY—Requires the creation of ~~the Historic Sites Passport Program as a pilot program~~ **the Historic Sites Passport Program as a pilot program** ~~for historical sites~~ (BDR 33-505)

AN ACT relating to historic preservation; ~~requiring~~ **directing** the Office of Historic Preservation of the State Department of Conservation and Natural Resources to create ~~the Historic Sites Passport Program as a pilot program~~ **the Historic Sites Passport Program as a pilot program** to issue stamps in a **program** booklet **or passport** for participants ~~that~~ **who** visit certain historical sites; **making an appropriation**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Office of Historic Preservation of the State Department of Conservation and Natural Resources which prepares and maintains the State Register of Historic Places. (NRS 383.021, 383.085) ~~This~~ **Sections 1.2 and 2 of this bill** ~~requires the Office to create~~ **provides for the development, creation and operation of the Historic Sites Passport Program as a pilot program** ~~through regulation~~ **that will operate from July 1, 2017, through January 1, 2021, and that** will issue stamps in a program

booklet or passport to participants ~~that~~ who visit certain sites, structures, objects and districts on the State Register. Section 1.4 of this bill requires the Office, in consultation with the Department of Tourism and Cultural Affairs, to prepare a report on the results of the Program and submit a copy of the report to the Director of the Legislative Counsel Bureau for transmission to the 81st Session of the Nevada Legislature.

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

Section 1. ~~Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The Administrator shall, by regulation, establish a historic sites passport program that issues stamps in a program booklet or passport to program participants that visit sites, buildings, structures, objects or districts placed on the State Register of Historic Places pursuant to NRS 383.085.*~~ (Deleted by amendment.)

Sec. 1.2. 1. The Office of Historic Preservation of the State Department of Conservation and Natural Resources, in consultation with the Department of Tourism and Cultural Affairs, shall develop, create and administer the Historic Sites Passport Program as a pilot program.

2. The Historic Sites Passport Program must issue stamps in a program booklet or passport to program participants who visit sites, buildings, structures, objects or districts placed on the State Register of Historic Places pursuant to NRS 383.085.

3. The Historic Sites Passport Program must include, without limitation:

(a) The identification of sites, buildings, structures, objects or districts placed on the State Register of Historic Places pursuant to NRS 383.085 that are accessible to members of the public, including, without limitation:

(1) Publicly owned and accessible sites, buildings, structures, objects or districts that may be staffed during certain hours for the purpose of issuing stamps in a program booklet or passport; and

(2) Sites, buildings, structures, objects or districts that are privately owned or located on private property if:

(I) The owner of the site, building, structure, object or district or the owner of the private property, as applicable, voluntarily participates in the Historic Sites Passport Program; and

(II) The site, building, structure, object or district may be staffed during certain hours for the purpose of issuing stamps in a program booklet or passport; and

(b) The development and design of a program booklet or passport and a stamp. Such program booklet or passport must be:

(1) Accessible on the Internet website of the Office of Historic Preservation for download by members of the public; and

(2) Available in limited quantities in hard copy at locations determined by the Office of Historic Preservation.

Sec. 1.4. On or before January 1, 2021, the Office of Historic Preservation of the State Department of Conservation and Natural Resources, in consultation with the Department of Tourism and Cultural Affairs, shall:

1. Prepare a report on the results of the Historic Sites Passport Program developed, created and administered pursuant to section 1.2 of this act, including, without limitation, any recommendations for legislation; and

2. Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

Sec. 1.6. There is hereby appropriated from the State General Fund to the Office of Historic Preservation of the State Department of Conservation and Natural Resources the sum of \$50,000 to allow the Office of Historic Preservation to carry out the Historic Sites Passport Program pursuant to sections 1.2 and 1.4 of this act.

Sec. 1.8. Any remaining balance of the appropriation made by section 1.6 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 2. 1. This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act, and on July 1, 2019, ~~it~~ for all other purposes.

2. Section 1.2 of this act expires by limitation on January 1, 2021.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 112.

Bill read second time and ordered to third reading.

Assembly Bill No. 116.

Bill read second time.

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

Amendment No. 25.

AN ACT relating to Medicaid; requiring an actuarial study to be conducted by the Division of Health Care Financing and Policy of the Department of Health and Human Services to determine the cost to the State of revising certain reimbursement rates; **authorizing the Division to apply for and accept certain money**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Department of Health and Human Services to administer the State Plan for Medicaid. (NRS 422.270) Existing law also requires the Division of Health Care Financing and Policy of the Department to, every 4 years: (1) review the rate of reimbursement for each service or item provided under the State Plan for Medicaid to determine whether the rate of reimbursement accurately reflects the actual cost of providing the service or item; and (2) if the Division determines that the rate of reimbursement for a service or item does not accurately reflect the actual cost of providing the service or item, determine the rate of reimbursement that accurately reflects the actual cost of providing the service or item and recommend to the Director of the Department inclusion of that rate in the State Plan for Medicaid. (NRS 422.2704) Existing law additionally requires the Department, with respect to the State Plan for Medicaid and the Children's Health Insurance Program, to report to the Legislature and post on an Internet website each rate of reimbursement for physicians which is provided on a fee-for-service basis and which is lower than the rate provided on the current Medicare fee schedule for care and services provided by physicians. (NRS 422.2712) This bill requires the Division to conduct an actuarial study to determine the amount that it would cost annually for the State to establish reimbursement rates under the State Plan for Medicaid that are equal to 90 percent of the reimbursement rates paid under Medicare. The Division is required to prepare a report of the results of the study and submit the report **and** recommendations for legislation to the Legislature. **This bill authorizes the Division to apply for grants and accept gifts, grants, donations and any other source of money to conduct the study and prepare the report of the results of the study.**

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

**Section 1.** 1. On or before July 1, 2020, the Division of Health Care Financing and Policy of the Department of Health and Human Services shall conduct an actuarial study to determine the amount that it would cost annually for the State to establish a reimbursement rate under the State Plan for Medicaid that is equal to 90 percent of the reimbursement rate established for recipients of Medicare. The Division shall make such a determination for each item or service that is covered by the State Plan for Medicaid that is also covered by Medicare.

2. The Division of Health Care Financing and Policy shall prepare a final report with the results of the study and any recommendations for legislation

resulting from the study. A copy of the report and recommendations must be submitted to:

- (a) The Legislative Committee on Health Care; and
- (b) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

3. **The Division of Health Care Financing and Policy may apply for grants and accept gifts, grants, donations and any other source of money to carry out the provisions of this section.**

4. As used in this section, “Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

**Sec. 2.** This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 17.

AN ACT relating to civil actions; enacting provisions governing the procedure for changing the name of an unemancipated minor who is in the custody of an agency which provides child welfare services; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law sets forth provisions governing the procedure for a parent of an unemancipated minor to change the name of the minor. (NRS 41.295, 41.296, 41.297) **Section 3** of this bill authorizes an attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services to file a petition to change the name of the minor. The petition must include: (1) the minor’s present name; (2) the name the minor will bear in the future; (3) the reason for the name change; (4) the consent of the minor if the minor is over 14 years of age; (5) the verified consent of any parent of the child who consents to the name change; (6) ~~the verified consent of a representative of the agency which provides child welfare services;~~ (7) the name and address of each parent of the minor, if known; and ~~((8))~~ (7) whether the minor has been convicted of a felony.

**Section 4** of this bill requires the petitioning attorney to personally serve notice upon each parent of the unemancipated minor unless each parent consents to the change of name or the court has determined that it is in the best interest of the minor to not require notice of the petition to be provided to a parent of the minor. If the petitioning attorney can establish to the court that notice cannot be personally served on a parent, the court may order the petitioning attorney to: (1) publish the notice in a newspaper of general



circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to that parent's last known address.

**Section 5** of this bill requires the court to order the unemancipated minor's name changed as requested in the petition if: (1) the court determines that the name change is in the best interest of the minor; ~~[(2) the verified consent of a representative of the agency which provides child welfare services is stated in the petition;]~~ and ~~[(3)]~~ (2) the verified consent of each parent is stated in the petition. However, under **section 5**, if the court determines that it is in the best interest of the minor to waive the requirement for one or both parents of the minor to consent to the name change, the court is authorized to waive the requirement to obtain the consent of one or both parents of the minor. **Section 5** also requires the court to hold a hearing to determine whether the name change is in the best interest of the minor if an objection is filed by a parent of the minor within a certain period.

**Section 6** of this bill authorizes a petition to change the name of an unemancipated minor who in the legal custody of an agency which provides child welfare services to be filed in a child welfare proceeding or in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of the minor. If such a petition is filed, the notice and service requirements of the applicable proceeding or action apply.

**Section 7** of this bill provides that the provisions of existing law governing the procedure to change the name of an unemancipated minor do not apply to an unemancipated minor in the legal custody of an agency which provides child welfare services because **sections 2-6** of this bill would govern a name change for such a minor.

**Section 8** of this bill makes a conforming change.

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

**Section 1.** Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

**Sec. 3. 1.** *An attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services who desires to have the name of the minor changed may file a verified petition with the clerk of the district court of the district in which the minor resides.*

**2.** *The petition must be addressed to the court and must state:*

- (a) The minor's present name;*
- (b) The name which the minor will bear in the future;*
- (c) The reason for desiring the name change;*
- (d) The consent of the unemancipated minor, if over the age of 14 years;*

(e) *The verified consent, if any, of one or both parents of the unemancipated minor;*

(f) ~~[The verified consent of a representative of the agency which provides child welfare services;~~

~~(g)]~~ *The name and address of each parent of the unemancipated minor, if known; and*

~~(h)]~~ *(g) Whether the minor has been convicted of a felony.*

Sec. 4. 1. *Unless the verified consent of each parent is stated in the petition, and except as otherwise provided in subsections 2 and 3, upon the filing of the petition filed by the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services, the attorney shall make out and procure a notice that must:*

(a) *State the fact of filing of the petition, its object, the unemancipated minor's present name and the name which the minor will bear in the future; and*

(b) *Be personally served with a copy of the petition upon each parent whose verified consent is not stated in the verified petition.*

2. *If the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services submits proof satisfactory to the court that notice cannot be personally served on a parent, the court may order the attorney to:*

(a) *Publish notice in a newspaper of general circulation in the county once a week for 3 successive weeks; and*

(b) *Serve notice and a copy of the verified petition by registered or certified mail to that parent at his or her last known address.*

3. *A court may waive the requirement to provide notice to a parent pursuant to subsection 1 or 2, as applicable, if the petitioner files a motion seeking waiver of such notice and presents evidence satisfactory to the court that waiving the requirement for such notice is in the best interest of the unemancipated minor.*

Sec. 5. 1. *Except as otherwise provided in subsection 2, the court shall make an order changing the name of the minor as prayed for in the petition filed by the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services, upon being satisfied by the statements in the petition or other evidence that the name change is in the best interest of the unemancipated minor if:*

(a) *The verified consent of:*

(1) ~~[A representative of the agency and each]~~ Each parent of the unemancipated minor is stated in the petition; or

(2) ~~[A representative of the agency and one]~~ One parent of the unemancipated minor is stated in the petition, if a court finds that it is in the best interest of the minor not to require the other parent to consent to the name change; or

~~(3) A representative of the agency is stated in the petition, if a court finds that it is in the best interest of the unemancipated minor not to require either parent to consent to the name change; or]~~

(b) If notice is required to be served or published pursuant to section 3 of this act, no written objection is filed with the clerk by a parent of the minor within 10 days after the parent is personally served or the last day of publication as ordered in section 4 of this act, upon proof of the filing of the petition and evidence of service.

2. If an objection is filed within the prescribed time period pursuant to this section, the court shall appoint a day for hearing the proofs, respectively, of the petitioner and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show that making the name change is in the best interest of the unemancipated minor.

3. Upon the making of an order either granting or denying the prayer of the petitioner, the order must be recorded as a judgment of the court. If the petition is granted, the name of the unemancipated minor must thereupon be stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

Sec. 6. 1. In addition to a petition to change the name of an unemancipated minor in the legal custody of an agency which provides child welfare services which is filed pursuant to this chapter, such a petition may be filed in any action brought under the provisions of chapter 122A, 125, 125C, 126, 128, 129 or 432B of NRS. For any petition filed, the notice and service requirements of the chapter under which the applicable action was brought must be met.

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 7. 1. The provisions of NRS 41.291 to 41.298, inclusive, and this section do not apply to an unemancipated minor who is in the legal custody of an agency which provides child welfare services.

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 8. NRS 41.291 is hereby amended to read as follows:

41.291 As used in NRS 41.291 to 41.298, inclusive, *and section 7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 41.293 and 41.294 have the meanings ascribed to them in those sections.

Sec. 9. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 131.

Bill read second time.

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

Amendment No. 26.

AN ACT relating to health care; providing for the licensing and regulation of providers of community-based living arrangement services as facilities for the dependent; prohibiting certain convicted persons from serving as an operator, employee or contractor of a provider of community-based living arrangement services; requiring certain employment agencies to be licensed; requiring the statewide information and referral system to provide certain nonemergency information and referrals; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to conduct a study concerning standards of training for unlicensed persons who provide care at certain facilities or homes or through certain agencies or providers; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law defines the term “community-based living arrangement services” to mean flexible, individualized services that are: (1) provided in the home, for compensation, to persons with mental illness or persons with developmental disabilities; and (2) designed and coordinated to assist such persons in maximizing their independence. (NRS 433.605) Existing law requires each provider of community-based living arrangement services to obtain a certificate from the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 433.607) Existing law also requires each facility for the dependent to be licensed by the Division. (NRS 449.030) **Section 16** of this bill repeals existing provisions governing community-based living arrangement services. **Section 3** of this bill instead requires a provider of community-based living arrangement services to be licensed and regulated as a facility for the dependent. Providing community-based living arrangement services without such a license is made to be a misdemeanor. (NRS 449.210)

Existing law requires an applicant for a license to operate certain facilities, hospitals, agencies, programs or homes and each employee or independent contractor of such a facility, hospital, agency, program or home to receive a criminal background check. (NRS 449.122, 449.123) Existing law prohibits a person from operating or serving as an employee or contractor for such a facility, hospital, agency, program or home if the person has been convicted of certain crimes. (NRS 449.125, 449.174) **Sections 5 and 6** of this bill apply those requirements to providers of community-based living arrangement services and employees and contractors of such providers. Providing false information in connection with the required background check is made to be a misdemeanor. (NRS 449.123) **Section 7** of this bill requires certain inspections of a provider of community-based living arrangement services. **Section 8** of this bill requires a provider of community-based living arrangement services to notify a person receiving such services from the provider, his or her parent or guardian or another designated person upon the discovery by the Division

of a deficiency affecting the health and safety of a patient. **Section 10** of this bill provides a recipient of community-based living arrangement services with the same rights as recipients of services from other facilities for the dependent. **Sections 1, 2, 9, 12, 13 and 15** of this bill make conforming changes.

Existing law requires an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home to obtain a license from the State Board of Health. (NRS 449.03005) **Section 4** of this bill clarifies that this requirement applies when the contracted services are provided in this State, regardless of where the employment agency is located.

Existing law requires the Department to establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. That system must be accessible to a person using the public telephone system by dialing the digits 2-1-1. (NRS 232.359) **Section 11** of this bill requires that system to include information concerning the licensing status of any medical facility or facility for the dependent and certain other entities. **Section 11** also requires the Department to review and update such information at least quarterly.

Assembly Bill No. 299 of the 2017 Legislative Session required the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to conduct a study during the 2017-2018 interim concerning standards of training for persons who are not providers of health care and who provide care to a person through employment or a contractual arrangement with certain entities. (Chapter 279, Statutes of Nevada 2017, p. 1490) **Section 14** of this bill requires the Committee to conduct a similar study during the 2019-2020 interim. **Section 14** requires the study to: (1) compare standards of training required by different entities; and (2) determine whether employees and contractors of such entities should be required to complete training concerning a minimum set of competencies or complete a minimum amount of training.

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

**Section 1.** NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS ~~433.601 to 433.621, inclusive,~~ 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

**Sec. 2.** NRS 449.0026 is hereby amended to read as follows:

449.0026 “Community-based living arrangement services” ~~has the meaning ascribed to it in NRS 433.605.~~ ***means flexible, individualized services, including, without limitation, training and habilitation services, that are:***

***1. Provided in the home, for compensation, to persons with mental illness or persons with developmental disabilities, as defined in NRS 435.007; and***

***2. Designed and coordinated to assist such persons in maximizing their independence.***

**Sec. 3.** NRS 449.0045 is hereby amended to read as follows:

449.0045 “Facility for the dependent” includes:

- 1. A facility for the treatment of abuse of alcohol or drugs;
- 2. A halfway house for recovering alcohol and drug abusers;
- 3. A facility for the care of adults during the day;
- 4. A residential facility for groups;
- 5. An agency to provide personal care services in the home;
- 6. A facility for transitional living for released offenders;
- 7. A home for individual residential care;
- 8. A peer support recovery organization; ~~and~~
- 9. A community health worker pool ~~;~~ ***and***

***10. A provider of community-based living arrangement services.***

**Sec. 4.** NRS 449.03005 is hereby amended to read as follows:

449.03005 1. Except as otherwise provided in NRS 449.03017, a person must obtain a license from the Board to operate an employment agency that contracts with persons ***in this State*** to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home ~~;~~, ***regardless of whether the agency is located in this State.***

2. The Board shall adopt:

- (a) Standards for licensing of employment agencies that provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home;
- (b) Standards relating to the fees charged by such employment agencies;
- (c) Regulations governing the licensing of such employment agencies; and

(d) Regulations establishing requirements for training the persons who contract with such employment agencies to provide such nonmedical services.

3. An employment agency that is licensed pursuant to this section shall not refer a person to a home to provide nonmedical services related to personal care to elderly persons or persons with disabilities if that person has not met the requirements set forth in NRS 449.115 to 449.125, inclusive.

4. A person who violates the provisions of subsection 3 is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, 449.435 to 449.531, inclusive, and chapter 449A of NRS and to protect the health, safety, well-being and property of the persons served by employment agencies.

**Sec. 5.** NRS 449.089 is hereby amended to read as follows:

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

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

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

(c) Conformed to all applicable local zoning regulations.

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

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

**Sec. 6.** NRS 449.119 is hereby amended to read as follows:

449.119 “Facility, hospital, agency, program or home” means an agency to provide personal care services in the home, an employment agency that contracts with persons to provide nonmedical services related to personal care to elderly persons or persons with disabilities in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, ***a provider of community-based living arrangement services***, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a peer support recovery organization, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs.

**Sec. 7.** NRS 449.131 is hereby amended to read as follows:

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

(a) Enter and inspect a residential facility for groups ~~or~~ ***or a building operated by a provider of community-based living arrangement services in which such services are provided***; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,

↪ to ensure the safety of the residents of the facility ***or persons receiving care from the provider, as applicable***, in an emergency.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups ***and each building operated by a provider of***



*community-based living arrangement services in which such services are provided* to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups *or provider of community-based living arrangement services* within 72 hours after the Division is notified that a residential facility for groups *or provider of community-based living arrangement services* is operating without a license.

**Sec. 8.** NRS 449.134 is hereby amended to read as follows:

449.134 A facility for intermediate care, facility for skilled nursing, residential facility for groups , *provider of community-based living arrangement services* or home for individual residential care shall immediately provide notice of a deficiency affecting the health and safety of a patient discovered during the course of an inspection of the facility for intermediate care, facility for skilled nursing, residential facility for groups , *provider of community-based living arrangement services* or home for individual residential care conducted by the Division to:

1. A person receiving care at the facility or home ~~+~~ *or from the provider, as applicable;*
2. The parent or legal guardian of the person receiving care at the facility or home ~~+~~ *or from the provider, as applicable;* or
3. Any other natural person designated to receive such notice by the person receiving care at the facility or home *or from the provider, as applicable,* or the parent or guardian of the person.

**Sec. 9.** NRS 449A.009 is hereby amended to read as follows:

449A.009 "Community-based living arrangement services" has the meaning ascribed to it in NRS ~~433.605~~ **449.0026.**

**Sec. 10.** NRS 449A.031 is hereby amended to read as follows:

449A.031 "Facility for the dependent" ~~includes:~~

- ~~1. A facility for the treatment of abuse of alcohol or drugs;~~
- ~~2. A halfway house for recovering alcohol and drug abusers;~~
- ~~3. A facility for the care of adults during the day;~~
- ~~4. A residential facility for groups;~~
- ~~5. An agency to provide personal care services in the home;~~
- ~~6. A facility for transitional living for released offenders;~~
- ~~7. A home for individual residential care;~~
- ~~8. A peer support recovery organization; and~~
- ~~9. A community health worker pool.] has the meaning ascribed to it in NRS 449.0045.~~

**Sec. 11.** NRS 232.359 is hereby amended to read as follows:

232.359 1. The Department, in collaboration with any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services, shall

establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. The system must:

(a) Integrate any information and referral systems previously established by state agencies, local agencies or community-based organizations with the system established pursuant to this section;

(b) Be the sole system in this State which is accessible to a person by dialing the digits 2-1-1 and which provides nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State;

(c) Be accessible to a person using the public telephone system by dialing the digits 2-1-1; ~~and~~

(d) ~~Include~~ ***Except as otherwise provided in paragraph (e), include*** information that is updated periodically ~~+~~; ***and***

***(e) Include information concerning the licensing status of any entity licensed pursuant to chapter 449 of NRS that is reviewed and updated at least quarterly.***

2. In establishing the statewide information and referral system, the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services shall consult with representatives of:

(a) The Public Utilities Commission of Nevada;

(b) Telephone companies which provide service through a local exchange in this State;

(c) Companies that provide wireless phone services in this State;

(d) Existing information and referral services established by state agencies, local agencies or community-based organizations;

(e) State and local agencies or other organizations that provide health, welfare, human and social services;

(f) Nonprofit organizations; and

(g) Such other agencies, entities and organizations as determined necessary by the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services or any group established by the Governor to implement a statewide information and referral system concerning health, welfare, human and social services.

3. The Public Utilities Commission of Nevada, each telephone company which provides service through a local exchange in this State and each company that provides wireless phone services in this State shall cooperate with the Department, any state or local agencies or community-based organizations which provide information and referral services concerning health, welfare, human and social services and any group established by the

Governor to implement a statewide information and referral system concerning health, welfare, human and social services in the establishment of the statewide information and referral system.

**Sec. 12.** NRS 433.806 is hereby amended to read as follows:

433.806 1. Any person or entity, including, without limitation, the Division, that determines the placement of a person with a mental illness or a person with a developmental disability in a mental health facility, medical facility, ~~for~~ facility for the dependent ~~with a provider of community-based living arrangement services~~ or any other placement shall, when making such a determination, consider whether the mental health facility, medical facility, facility for the dependent ~~provider of community-based living arrangement services~~ or other placement is capable of:

(a) Adequately addressing the needs of the person for care and services, including, without limitation, the administration of medication; and

(b) Ensuring the safety of the person in the event of a fire or other emergency.

2. As used in this section:

(a) ~~“Community-based living arrangement services” has the meaning ascribed to it in NRS 433.605.~~

~~(b)~~ “Facility for the dependent” has the meaning ascribed to it in NRS 449.0045.

~~(c)~~ (b) “Medical facility” has the meaning ascribed to it in NRS 449.0151.

**Sec. 13.** NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of any legally qualified nurse of another state who is employed by the United States Government, or any bureau, division or agency

thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a ~~certificate~~ *license* pursuant to ~~NRS 433.601 to 433.621, inclusive,~~ *chapter 449 of NRS* and the regulations adopted pursuant ~~to NRS 433.609,~~ *thereto*; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a ~~certificate~~ *license* pursuant to ~~NRS 433.601 to 433.621, inclusive,~~ *chapter 449 of NRS* and the regulations adopted pursuant ~~to NRS 433.609,~~ *thereto*.

↪ As used in this subsection, “community-based living arrangement services” has the meaning ascribed to it in NRS ~~433.605,~~ *449.0026*.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

↪ As used in this subsection, “supported living arrangement services” has the meaning ascribed to it in NRS 435.3315.

**Sec. 14.** 1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 shall conduct a study during the 2019-2020 interim concerning standards of training for natural persons who are not providers of health care and who provide care to a person through employment or a contractual arrangement with a facility for intermediate care, facility for skilled nursing, facility for the care of adults during the day, residential facility for groups, home for individual residential care, an agency to provide nursing in the home, an agency to provide personal care services in the home or a provider of community-based living arrangement services or supported living arrangement services.

2. In conducting the study, the Committee shall:

(a) Compare standards of training required by different entities described in subsection 1; and

(b) Determine whether the natural persons described in subsection 1 should be required to complete training concerning a minimum set of competencies or complete a minimum amount of training. If the Committee determines that such requirements should be imposed, the Committee shall determine whether any class of natural persons described in subsection 1 should be exempt from those requirements.

3. The Committee shall include in its report required by subsection 3 of NRS 218E.760 on or before January 15, 2021, the results of the study conducted pursuant to this section and any recommendations for legislation.

4. As used in this section:

(a) “Agency to provide nursing in the home” has the meaning ascribed to it in NRS 449.0015.

(b) “Agency to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021.

(c) “Community-based living arrangement services” has the meaning ascribed to it in NRS 449.0026, as amended by section 2 of this act.

(d) “Facility for intermediate care” has the meaning ascribed to it in NRS 449.0038.

(e) “Facility for skilled nursing” has the meaning ascribed to it in NRS 449.0039.

(f) “Facility for the care of adults during the day” has the meaning ascribed to it in NRS 449.004.

(g) “Home for individual residential care” has the meaning ascribed to it in NRS 449.0105.

(h) “Residential facility for groups” has the meaning ascribed to it in NRS 449.017.

(i) “Supported living arrangement services” has the meaning ascribed to it in NRS 435.3315.

**Sec. 15.** 1. A certificate to provide community-based living arrangement services issued pursuant to NRS 433.601 to 433.621, inclusive, that is valid on January 1, 2020, remains valid until its date of expiration, if the holder of the certificate otherwise remains qualified for the issuance or renewal of the certificate on or after January 1, 2020.

2. Any regulations adopted by the State Board of Health pursuant to NRS 433.609 that do not conflict with the provisions of this act shall be deemed to have been adopted pursuant to NRS 449.0302 and continue in effect until amended or repealed. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code:

(a) Substitute appropriately the term “license” for the term “certificate” in the regulations described in this subsection; and

(b) Move the regulations described in this subsection from chapter 433 of the Nevada Administrative Code to chapter 449 of the Nevada Administrative Code.

3. Any regulations adopted by the State Board of Health that conflict with any of the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 1, 2020.

4. As used in this section, “community-based living arrangement services” has the meaning ascribed to it in NRS 449.0026, as amended by section 2 of this act.

**Sec. 16.** NRS 433.601, 433.603, 433.605, 433.607, 433.609, 433.611, 433.613, 433.615, 433.617, 433.619 and 433.621 are hereby repealed.

**Sec. 17.** This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

#### LEADLINES OF REPEALED SECTIONS

**433.601** Definitions.

**433.603** “Certificate” defined.

**433.605** “Community-based living arrangement services” or “services” defined.

**433.607** Certificate required to provide services; exception.

**433.609** Regulations; fees for issuance and renewal of certificate.

**433.611** Application for renewal of certificate to include information relating to state business license; denial of renewal for unpaid debt assigned to State Controller for collection.

**433.613** Authority of Division.

**433.615** Division authorized to seek injunction against provision of services without valid certificate.

**433.617** Statement concerning obligation for child support required for issuance or renewal of certificate of natural person. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

**433.619** Application of natural person for certificate required to contain social security number. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

**433.621** Suspension of certificate of natural person for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of certificate. [Effective until the date of the repeal of 42

**U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 140.

ASSEMBLYMEN BILBRAY-AXELROD; BACKUS, ~~[AND]~~ FUMO, KRASNER,

MUNK, SWANK AND TOLLES

AN ACT relating to domestic relations; requiring a person to be at least 18 years of age to marry; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law allows a minor to marry in certain circumstances. If the minor is at least 16 years of age, the consent of either parent or legal guardian is required. (NRS 122.020, 122.025) If the minor is younger than 16 years of age, in addition to such consent, a district court must authorize the marriage after making certain findings. (NRS 122.025) **Section 1** of this bill removes that authority and instead requires both persons to be at least 18 years of age to marry. **Section 7** of this bill also repeals the provision authorizing marriages by minors. **Sections 2-5** of this bill make conforming changes to existing law, and **section 7** repeals additional provisions that become obsolete by removing authority for minors to marry. **Section 6** of this bill ensures that the validity of any marriage existing when the bill becomes effective is not affected, and that any married minor on that date continues to have the same rights.

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

**Section 1.** NRS 122.020 is hereby amended to read as follows:

122.020 1. ~~{Except as otherwise provided in this section, two}~~ **Two** persons, regardless of gender, **who are** at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, may be joined in marriage.

2. Two persons, regardless of gender, who are married to each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

~~{3. A person at least 16 years of age but less than 18 years of age may marry only if the person has the consent of:~~

- ~~—(a) Either parent; or~~
- ~~—(b) Such person's legal guardian.]~~

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

122.040 1. Except as otherwise provided in NRS 122.0615, before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

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

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

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

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

(b) A passport.

(c) A birth certificate and:

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

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

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

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

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

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

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the



applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

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

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

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

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

5. ~~If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:~~

~~—(a) Personally given before the clerk;~~

~~—(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or~~

~~—(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.~~

~~6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.~~

~~7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.~~

~~8.~~ At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:

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

- (1) The current last name of the other applicant.
- (2) The last name of either applicant given at birth.
- (3) A hyphenated combination of the current middle name and the current last name of either applicant.

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

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

- (1) The current last name of the other applicant.
- (2) The last name of either applicant given at birth.
- (3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).

~~9.~~ **6.** All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~10.~~ **7.** A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

**Sec. 3.** NRS 122.0615 is hereby amended to read as follows:

122.0615 1. In each county whose population is 100,000 or more but less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. In each county whose population is less than 100,000, in which a commercial wedding chapel has been in business in the county for 5 years or more, the board of county commissioners may provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued is not open to the public.

3. ~~Except as otherwise provided in subsection 4, a~~ A program established pursuant to subsection 1 or 2 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of \$50,000. The performance bond must be conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and compliance with the provisions of NRS 603A.010 to 603A.290, inclusive, that ensure the security of personal information submitted by applicants for a marriage license.

4. ~~A commercial wedding chapel shall refer any application for a marriage license that includes the signature of a guardian for a minor applicant to the county clerk for review and issuance of the marriage license pursuant to NRS 122.040.~~

~~5.~~ The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.

~~6.~~ 5. A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected; and

(c) Remit all fees collected to the county clerk, in the manner required by the standard of practice adopted by the county clerk.

~~7.~~ 6. The records of a commercial wedding chapel that issues marriage licenses pursuant to this section which pertain to the issuance of a marriage license are public records and must be made available for public inspection at reasonable times. Such a commercial wedding chapel shall comply with the provisions of NRS 603A.010 to 603A.290, inclusive, in the same manner as all other data collectors to ensure the security of all personal information submitted by applicants for a marriage license.

~~§ 7.~~ 7. The persons to whom a commercial wedding chapel issues a marriage license may not be joined in marriage in any county other than the county in which the marriage license is issued.

~~§ 8.~~ 8. A commercial wedding chapel that violates any provision of this section is guilty of a misdemeanor.

**Sec. 4.** NRS 125.300 is hereby amended to read as follows:

125.300 A marriage may be annulled for any of the causes provided in NRS ~~125.320 to~~ **125.330, 125.340 or** 125.350. ~~[-inclusive.]~~

**Sec. 5.** NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

~~(c) For judicial approval of the marriage of a minor.~~

~~(d)~~ Otherwise within the jurisdiction of the juvenile court.

~~(e)~~ (d) To establish the date of birth, place of birth or parentage of a minor.

~~(f)~~ (e) To change the name of a minor.

~~(g)~~ (f) For a judicial declaration of the sanity of a minor.

~~(h)~~ (g) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

~~(i)~~ (h) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

~~(j)~~ (i) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

**Sec. 6.** 1. The amendatory provisions of this act do not affect:

(a) The validity of any marriage entered into by a minor before October 1, 2019; or

(b) The legal rights or responsibilities of any minor who married before October 1, 2019.

2. Notwithstanding the repeal of NRS 123.310, a person who on October 1, 2019, is a married minor may make a valid marriage contract or settlement.

**Sec. 7.** NRS 122.025, 123.310 and 125.320 are hereby repealed.

#### **TEXT OF REPEALED SECTIONS**

##### **122.025 Marriage of persons less than 16 years of age: Consent of parent or guardian; authorization by court.**

1. A person less than 16 years of age may marry only if the person has the consent of:

- (a) Either parent; or
- (b) Such person's legal guardian,

↪ and such person also obtains authorization from a district court as provided in subsection 2.

2. In extraordinary circumstances, a district court may authorize the marriage of a person less than 16 years of age if the court finds that:

- (a) The marriage will serve the best interests of such person; and
- (b) Such person has the consent required by paragraph (a) or (b) of subsection 1.

↪ Pregnancy alone does not establish that the best interests of such person will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of such person.

**123.310 Minors may make marriage contracts or settlements.** A minor capable of contracting marriage may make a valid marriage contract or settlement.

##### **125.320 Cause for annulment: Lack of consent of parent or guardian.**

1. When the consent of a parent, guardian or district court, as required by NRS 122.020 or 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.

2. If the consent required by NRS 122.020 or 122.025 is not first obtained, the marriage contracted without the consent of a parent, guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as a married couple. Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time and ordered to third reading.

Assembly Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:  
Amendment No. 72.

ASSEMBLYMEN HAMBRICK, TOLLES, ELLISON ~~11~~, **KRASNER**; EDWARDS,  
KRAMER, LEAVITT, ROBERTS AND WHEELER

JOINT SPONSORS: SENATORS PICKARD; AND PARKS

SUMMARY—~~Provides~~ **Establishes provisions relating to** certain ~~protections and~~ services for **and resources concerning** victims of human trafficking. (BDR ~~16-141~~) **18-141**

AN ACT relating to human trafficking; ~~requiring certain law enforcement officials to take certain actions upon initially encountering a possible victim of human trafficking; requiring the owner or operator of certain establishments and facilities to post an informational sign relating to the National Human Trafficking Hotline;~~ requiring the Department of Health and Human Services to develop a statewide plan for delivery of services to victims of human trafficking; requiring the Department of Education and the State Board of Education to develop and distribute certain informational materials relating to the human trafficking of children; ~~providing a penalty;~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law prohibits involuntary servitude, assuming ownership over a person, the purchase or sale of a person, trafficking in persons, pandering and living from the earnings of a prostitute. (NRS 200.463-200.465, 200.467, 200.468, 201.300, 201.320) ~~Sections 1 and~~ **Section 3** of this bill ~~define~~ **defines** victims of those crimes as “victims of human trafficking,” and **section 5** of this bill defines the commission of those crimes as “human trafficking.”

~~Section 1 requires a law enforcement officer, a district attorney or a deputy thereof or the Attorney General or a deputy thereof, as soon as possible after his or her initial encounter with a possible victim of human trafficking, to make a preliminary assessment of whether the victim is: (1) eligible under existing law for certain compensation and assistance provided to victims of crime; and (2) eligible for certification under existing federal law as a victim of a severe form of trafficking in persons. If the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof believes the person is eligible for certification as a victim of a severe form of trafficking in persons, section 1 requires the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof to notify the person and, upon request, to provide the person with certain immigration forms. Section 1 also requires the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof to notify the Division of Child and Family Services of the Department of Health and Human Services if the possible victim of human trafficking is less than 18 years of age or the Aging and Disability Services Division of the Department if the possible victim is an older person or a vulnerable person.~~

~~Section 2 of this bill: (1) requires an owner or operator of certain establishments or facilities to post an informational sign regarding the National~~

~~Human Trafficking Hotline obtained from the Department of Transportation or the Department of Business and Industry; and (2) provides that an owner or operator who fails to post the required informational sign must be given a warning and 24 hours to comply for a first violation and is guilty of a misdemeanor and subject to a fine not to exceed \$500 for a second or subsequent violation.~~

**Section 3** requires the Department of Health and Human Services to develop a statewide plan for the delivery of services to victims of human trafficking, ~~and~~ **and establishes certain requirements relating to such a plan. Section 3 also requires the Director of the Department to periodically review the plan and its implementation for compliance with such established requirements.**

**Section 5** requires the Department of Education and the State Board of Education to develop and distribute certain informational material relating to the human trafficking of children.

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

**Section 1.** ~~Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. As soon as practicable after the initial encounter with a person who reasonably appears to be a victim of human trafficking, a law enforcement officer, a district attorney or a deputy thereof or the Attorney General or a deputy thereof shall make a preliminary assessment of whether the victim:~~

~~(a) May be eligible for compensation or assistance pursuant to the provisions of this chapter; and~~

~~(b) Appears to meet the criteria for certification pursuant to 22 U.S.C. § 7105(b)(1) as a victim of a severe form of trafficking in persons, as defined in 22 U.S.C. § 7105, or appears to be otherwise eligible for any federal, state or local benefits or services.~~

~~2. If, after the preliminary assessment conducted pursuant to subsection 1, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof determines that the victim appears to be eligible for compensation or assistance pursuant to this chapter or to meet the criteria for certification as a victim of a severe form of trafficking in persons, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall:~~

~~(a) Notify the victim of the finding;~~

~~(b) Notify the victim of any compensation or assistance that may be available pursuant to this chapter and the manner in which to apply for such compensation or assistance;~~

~~(c) Refer the victim to available services, including, without limitation, legal services; and~~

~~(d) Upon the request of the victim, provide the victim with one or both of the following forms issued by the United States Citizenship and Immigration Services of the United States Department of Homeland Security:~~

~~(1) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.~~

~~(2) Form I-918, Supplement B, U Nonimmigrant Status Certification.~~

~~The law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall complete and execute the form in accordance with the applicable instructions, rules and regulations.~~

~~3. If the victim of human trafficking is less than 18 years of age, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall notify the Division of Child and Family Services of the Department of Health and Human Services.~~

~~4. If the victim of human trafficking is an older person or a vulnerable person, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall notify the Aging and Disability Services Division of the Department of Health and Human Services. For the purposes of this subsection:~~

~~(a) "Older person" has the meaning ascribed to it in NRS 200.5092.~~

~~(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.~~

~~5. For the purposes of this section, "victim of human trafficking" or "victim" means a person against whom a violation of any provision of NRS 200.463 to 200.465, inclusive, 200.467, 200.468, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.] (Deleted by amendment.)~~

Sec. 2. [Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. An owner or operator shall post in a location conspicuous to his or her patrons at least one sign which is not less than 8 1/2 by 11 inches in size and which contains a notice that is clearly legible and in substantially the following form:~~

~~If you or someone you know is being forced to engage in any activity and cannot leave—whether it is commercial sex, housework, farm work or any other activity—call the National Human Trafficking Hotline at 1 (888) 373-7888 to access help and services.~~

~~• Victims of human trafficking are protected under the laws of the State of Nevada and the United States.~~

~~• The Hotline is:~~

~~• Available 24 hours a day, 7 days a week.~~

~~• Toll free.~~

~~• Operated by a nonprofit, nongovernmental organization.~~

~~• Anonymous and confidential.~~

~~• Accessible in more than 200 languages.~~

~~• Able to provide help, referral to services, training and general information.~~



~~2. The Department of Transportation and the Department of Business and Industry shall:~~

~~(a) Post the sign in English, Spanish and any other language deemed appropriate by the Director of the Department of Business and Industry on the Internet website maintained by the agency.~~

~~(b) Upon request from an owner or operator, mail by first class mail to the owner or operator a copy of the sign described in subsection 1 in English, Spanish and any other language deemed appropriate by the Director of the Department of Business and Industry.~~

~~↪ A sign that is in any language other than English must contain substantially the same language as is stated in subsection 1.~~

~~3. An owner or operator shall obtain the sign described in subsection 1 by printing the sign from the Internet website of the Department of Transportation or the Department of Business and Industry or by requesting that the Department of Transportation or the Department of Business and Industry mail the sign to the owner or operator pursuant to paragraph (b) of subsection 2.~~

~~4. The Department of Transportation and the Department of Business and Industry may solicit and accept donations of signs that satisfy the requirements of this section from a nonprofit organization or any other source.~~

~~5. An owner or operator who violates this section:~~

~~(a) For the first violation, will receive a warning and be given 24 hours to comply with the provisions of this section.~~

~~(b) For the second and any subsequent violation, is guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.~~

~~↪ Each 24 hour period during which an owner or operator is not in compliance with the provisions of this section constitutes a separate violation.~~

~~6. As used in this section, "owner or operator" means an owner or operator:~~

~~(a) Who has been cited for maintaining or permitting a public nuisance relating to prostitution at an establishment which he or she owns or operates.~~

~~(b) Of a mass transit facility, including, without limitation, an airport, bus station or train station.~~

~~(c) Of a rest area or truck stop. (Deleted by amendment.)~~

Sec. 3. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall, in cooperation with any other state agency, federal agency, public or private entity or other stakeholder the Department deems appropriate, develop a statewide plan for the delivery of services to victims of human trafficking. The plan must provide for:

(a) The identification of victims of human trafficking;

(b) Assistance to victims of human trafficking with applying for federal and state benefits and services to which they may be entitled;

(c) *The coordination of providing medical, psychological, housing, education, job training, child care, victims' compensation, legal and other services to victims of human trafficking;*

(d) *The preparation and dissemination of educational materials to increase awareness about human trafficking and the services available to victims of human trafficking among state and local agencies that provide social services, public and private agencies that may provide services to victims of human trafficking and the public;*

(e) *The establishment and maintenance of community-based services for victims of human trafficking; and*

(f) *Assistance to victims of human trafficking with family reunification or to return to their place of origin, if the victim so desires.*

2. *The Director shall periodically review the statewide plan developed pursuant to subsection 1 and its implementation to determine whether the plan and its implementation comply with the provisions of this section.*

3. *As used in this section, "victim of human trafficking" means a person against whom a violation of any provision of NRS 200.463 to 200.465, inclusive, 200.467, 200.468, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.*

Sec. 4. NRS 232.290 is hereby amended to read as follows:

232.290 As used in NRS 232.290 to 232.4858, inclusive, **and section 3 of this act**, unless the context requires otherwise:

1. "Department" means the Department of Health and Human Services.
2. "Director" means the Director of the Department.

Sec. 5. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department, in consultation with persons who possess knowledge and expertise in identifying and preventing the human trafficking of children, shall develop materials for distribution to school districts, administrators, principals, teachers and all other personnel employed by the board of trustees of a school district, and to parents and students, that provide information concerning:*

(a) *The identification and prevention of the human trafficking of children, including, without limitation, strategies for preventing the human trafficking of children; and*

(b) *The resources to which administrators, principals, teachers and all other personnel employed by the board of trustees of a school district, parents and students may refer to obtain information concerning the identification and prevention of the human trafficking of children, including, without limitation, strategies for preventing the human trafficking of children.*

2. *The State Board, in consultation with the Department of Health and Human Services, shall provide for the distribution of the materials developed pursuant to subsection 1 to school districts.*

3. *As used in this section, "human trafficking" means a violation of any provision of NRS 200.463 to 200.465, inclusive, 200.467, 200.468, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591.*

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 73.

AN ACT relating to criminal procedure; authorizing a court to take certain actions when determining the sentence of a person convicted as an adult for an offense committed when the person was less than 18 years of age if the person was a victim of sex trafficking or sexual assault and committed the offense against the abuser; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that if a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age, the court: (1) is required to consider the differences between juvenile and adult offenders; and (2) after considering such differences, is authorized to reduce the person's sentence. (NRS 176.017) **Section 1** of this bill additionally provides that if a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age and the court finds by clear and convincing evidence that, during the 1-year period immediately preceding the commission of the offense, the person was a victim of sex trafficking or sexual assault and committed the offense against his or her abuser, the court is authorized to: (1) depart from any mandatory minimum sentence or mandatory additional penalty; (2) suspend any portion of an otherwise applicable sentence; or (3) ~~if the person is less than 21 years of age, deem the person to have committed a delinquent act and transfer the case to the juvenile court for proper disposition.~~ **both.**

**Section 3** of this bill specifies that such provisions apply to an offense committed: (1) on or after October 1, 2019; and (2) before October 1, 2019, if the person is convicted on or after October 1, 2019.

WHEREAS, In the United States, child protective services agencies have estimated that 63,000 children each year are victims of sexual abuse; and

WHEREAS, It is estimated that one in every 9 girls and one in every 53 boys under 18 years of age in the United States experience sexual abuse or sexual assault by an adult; and

WHEREAS, In 93 percent of reported cases involving the sexual abuse of a child in the United States, the victim knows the abuser; and

WHEREAS, The National Center for Missing and Exploited Children has estimated that at least 100,000 children in the United States are victims of commercial sexual exploitation each year; and

WHEREAS, It is estimated that victims of child sexual abuse are four times more likely to abuse drugs, four times more likely to experience post-traumatic stress disorder as adults and three times more likely to experience a major depressive episode as adults; and

WHEREAS, Persons who traffic or sexually abuse children often subject their victims to prolonged stages of grooming by targeting a victim, gaining the victim's trust, filling a need of the victim, isolating the victim, sexualizing the relationship with the victim and maintaining control of the victim; and

WHEREAS, The Legislature finds that children who are victims of sex trafficking or sexual assault and commit crimes against their abusers should not be subject to lengthy prison sentences, but should instead be treated as victims and receive appropriate treatment and services; and

WHEREAS, The Legislature finds that, for the purpose of ensuring that a more just solution can be found, judges should be given greater flexibility in cases involving children who are victims of sex trafficking or sexual assault and commit crimes against their abusers; and

WHEREAS, Children who are victims of sex trafficking or sexual assault and commit crimes against their abusers are subject to punishment that is extreme, and it is the intent of the Legislature to prevent future injustice against such victims; now, therefore,

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

**Section 1.** Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

*Notwithstanding any other provision of law, if a person is convicted as an adult for an offense that the person committed when he or she was less than 18 years of age and the court finds by clear and convincing evidence that, at any time during the 1-year period immediately preceding the commission of the offense, the person against whom the offense was committed trafficked the person who committed the offense in violation of subsection 2 of NRS 201.300 or sexually assaulted the person who committed the offense in violation of NRS 200.366, the court may, in its discretion ~~for~~*

~~1. Take} , take either or both of the following actions:~~

~~[(a)] 1. Depart from any mandatory minimum sentence or mandatory additional penalty; or~~

~~[(b)] 2. Suspend any portion of an otherwise applicable sentence . ~~for~~~~

~~2. If the person is less than 21 years of age, deem the person to have committed a delinquent act and transfer the case to the juvenile court for proper disposition.]~~

Sec. 2. ~~NRS 62B.330 is hereby amended to read as follows:~~

~~62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.~~

~~2. For the purposes of this section, a child commits a delinquent act if the child:~~

~~(a) Violates a county or municipal ordinance other than those specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320 or an offense related to tobacco;~~

~~(b) Violates any rule or regulation having the force of law; or~~

~~(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.~~

~~3. [For] *Except as otherwise provided in section 1 of this act, for the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:*~~

~~(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.~~

~~(b) Sexual assault or attempted sexual assault involving the use or threatened use of force or violence against the victim and any other related offense arising out of the same facts as the sexual assault or attempted sexual assault, regardless of the nature of the related offense, if:~~

~~(1) The person was 16 years of age or older when the sexual assault or attempted sexual assault was committed; and~~

~~(2) Before the sexual assault or attempted sexual assault was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~(c) An offense or attempted offense involving the use or threatened use of a firearm and any other related offense arising out of the same facts as the offense or attempted offense involving the use or threatened use of a firearm, regardless of the nature of the related offense, if:~~

~~(1) The person was 16 years of age or older when the offense or attempted offense involving the use or threatened use of a firearm was committed; and~~

~~(2) Before the offense or attempted offense involving the use or threatened use of a firearm was committed, the person previously had been adjudicated delinquent for an act that would have been a felony if committed by an adult.~~

~~(d) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:~~

~~(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been~~

~~present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and~~

~~(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person;~~

~~(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:~~

~~(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or~~

~~(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age;~~

~~(f) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.] **(Deleted by amendment.)**~~

**Sec. 3.** The amendatory provisions of ~~sections~~ **section 1** ~~and 2~~ of this act apply to:

1. An offense committed on or after October 1, 2019; and
2. An offense committed before October 1, 2019, if the person is convicted on or after October 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 137.

AN ACT relating to water; revising certain requirements relating to a plan of water conservation; revising minimum standards for plumbing fixtures in new construction and expansions and renovations in certain structures; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires each supplier of water **and each public utility** to adopt a plan of water conservation, which must be submitted to the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources, ~~or~~ **or the Public Utilities Commission of Nevada, as applicable.** The plan of water conservation must also be updated and submitted to the Section ~~or Commission, as applicable~~ every 5 years. (NRS 540.131, 540.141, ~~Section~~ **, 704.662, 704.662**) **Sections 1 and**

**8** of this bill ~~requires~~ **require** each supplier of water **and public utility: (1) who serves 3,300 persons or more** to submit the results of a water loss audit with the plan of water conservation or update to the plan ~~for~~ ; **and (2) who serves less than 3,300 persons to submit the results of certain calculations regarding water delivered and water billed with the plan of water conservation or update to the plan.** Once a supplier **or public utility** has submitted the results of a water loss audit, ~~section~~ **sections 1** ~~requires~~ **and 8 require** the supplier of water **or public utility** to submit with any future update to the plan of water conservation: (1) a comparison between the results of the most recent audit **or calculations** and the audit **or calculations** previously submitted; and (2) an analysis of any progress made towards certain goals which must be established in the plan of water conservation for water ~~leakage. Section~~ **loss. Sections 3 and 9** of this bill ~~revises~~ **revise** the provisions which must be included in a plan or a joint plan of water conservation to include establishing goals for acceptable levels of water ~~leakage.~~ **loss.**

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial or industrial structures, certain public buildings financed by a public body, manufactured buildings and homes and mobile homes. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 4-7** of this bill revise these requirements to instead require that new construction, expansions and renovations on these structures must install toilets, shower apparatuses, faucets and urinals that have been certified under the WaterSense program established by the United States Environmental Protection Agency. **Sections 4-7 exempt from these requirements any residential, commercial or industrial structure and public building financed by a public body that was constructed 50 years or more before the current year.**

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

**Section 1.** Chapter 540 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. ~~Each~~ Except as otherwise provided in subsection 4, each supplier of water ~~who~~ that is required to adopt or update a plan of water conservation in accordance with the provisions of NRS 540.131 and:**

**(a) Serves 3,300 persons or more must conduct a water loss audit in accordance with the methodology and software of the American Water Works Association for water loss auditing. The results of the water loss audit must be submitted by the supplier of water to the Section with the plan of water conservation or update to the plan of water conservation, as applicable.**

**(b) Serves less than 3,300 persons must calculate the amount of water delivered by the supplier of water and the amount of water that was billed to customers of the supplier of water for each year. The calculations must be**

submitted by the supplier of water to the Section with the plan for water conservation or update to the plan of water conservation, as applicable.

2. *If the supplier of water has previously submitted the results of a water loss audit to the Section pursuant to paragraph (a) of subsection 1, and is submitting an update to the plan of water conservation, the supplier must also submit to the Section:*

*(a) A comparison between the results of the new water loss audit and the previous water loss audit; and*

*(b) An analysis of any progress made by the supplier towards the goals for acceptable water ~~leakage~~ loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 540.141.*

3. *If the supplier of water has previously submitted the results of the calculations conducted pursuant to paragraph (b) of subsection 1 to the Section, and is submitting an update to the plan of water conservation, the supplier must also submit to the Section:*

*(a) A comparison between the results of the new calculations and the previous calculations; and*

*(b) An analysis of any progress made by the supplier towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 540.141.*

4. *The provisions of this section do not apply to a transient water system as defined in NRS 617.135.*

Sec. 2. NRS 540.121 is hereby amended to read as follows:

540.121 As used in NRS 540.121 to 540.151, inclusive, *and section 1 of this act*, “supplier of water” includes, but is not limited to:

1. Any county, city, town, local improvement district, general improvement district and water conservancy district;

2. Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and

3. Any other public or private entity,  
 ↪ that supplies water for municipal, industrial or domestic purposes. The term does not include a public utility required to adopt a plan of water conservation pursuant to NRS 704.662.

Sec. 3. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to ~~+~~



~~(1) Identify~~ *identify* and reduce ~~[leakage]~~ water loss in water supplies, inaccuracies in water meters and high pressure in water supplies ~~;~~ ~~and~~, *which must include, without limitation:*

*(1) Goals for acceptable levels of ~~[leakage]~~ water loss in water supplies. Such goals may use the following performance indicators and analyses, without limitation:*

*(I) Infrastructure ~~[leakage]~~ water loss index;*

*(II) Water audit data validity score;*

*(III) Operational basic apparent losses;*

*(IV) Operational basic real losses; and*

*(V) Economic level of ~~[leakage]~~ water loss.*

~~(2) [Where]~~ *A plan ~~[for]~~ which analyzes how the supplier of water will progress towards the goals established for the acceptable levels of ~~[leakage]~~ water loss.*

*(d) The management of water to, where applicable, increase the reuse of effluent.*

~~[(d)]~~ *(e) A contingency plan for drought conditions that ensures a supply of potable water.*

~~[(e)]~~ *(f) A schedule for carrying out the plan or joint plan.*

~~[(f)]~~ *(g) A plan for how the supplier of water will progress towards the installation of meters on all connections.*

~~[(g)]~~ *(h) Standards for water efficiency for new development.*

~~[(h)]~~ *(i) Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.*

~~[(i)]~~ *(j) Watering restrictions based on the time of day and the day of the week.*

2. In addition to the requirements of subsection 1, a plan or joint plan of water conservation submitted to the Section for review by a supplier of water providing service for 500 or more connections must include provisions relating to:

(a) Measures to evaluate the effectiveness of the plan or joint plan.

(b) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water saved annually.

3. The Section shall review any plan or joint plan submitted to it within 120 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

5. To the extent practicable, the State Engineer shall provide on the Internet website of the State Engineer a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the

State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on the Internet website are accurate and current.

**Sec. 4.** NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in ~~subsections 3 and 4,~~ **subsection 6**, each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, **and before March 1, 1993**, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, **and before March 1, 1993**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~4,~~ **6**, each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, **and before January 1, 2020**, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, **and before January 1, 2020**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. *Except as otherwise provided in subsection 6, each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program established by the United States Environmental Protection Agency.*

5. *For the purposes of subsection 4 ~~f, a~~:*

*(a) A plumbing fixture is considered certified under the WaterSense program if the fixture has been:*

~~(a)~~ *(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;*

~~(b)~~ *(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and*

~~(c)~~ *(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.*

*(b) If the WaterSense program modifies the requirements for a plumbing fixture to be certified under the WaterSense program, a plumbing fixture that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.*

6. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of ~~(a)~~:

*(a) An existing residential, commercial or industrial structure which is not being expanded or renovated ~~f~~; or*

*(b) An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.*

Sec. 5. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in ~~subsections 3 and 4,~~ *subsection 6*, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, *and before March 1, 1993*, and each existing public building which is expanded or renovated on or after March 1, 1992, *and before*

**March 1, 1993**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection ~~4~~ **6**, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, **and before January 1, 2020**, and each existing public building which is expanded or renovated on or after March 1, 1993, **and before January 1, 2020**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. **Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program established by the United States Environmental Protection Agency.**

5. **For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.**

6. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of ~~the~~:

**(a) An** existing public building which is not being expanded or renovated ~~to~~; **or**

**(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.**

**Sec. 6.** NRS 461.175 is hereby amended to read as follows:

461.175 1. ~~{Except as otherwise provided in subsection 2, each}~~ **Each** manufactured building on which construction begins on or after March 1, 1992, **and before March 1, 1993**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, **and before January 1, 2020**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

**3. Each manufactured building on which construction begins on or after January 1, 2020, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program established by the United States Environmental Protection Agency.**

**4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.**

**Sec. 7.** NRS 489.706 is hereby amended to read as follows:

489.706 1. ~~{Except as otherwise provided in subsection 2, each}~~ **Each** manufactured home or mobile home on which construction begins on or after March 1, 1992, **and before March 1, 1993**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, **and before January 1, 2020**, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. *Each manufactured home or mobile home on which construction begins on or after January 1, 2020, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program established by the United States Environmental Protection Agency.*

4. *For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.*

**Sec. 8. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. Except as otherwise provided in subsection 4, each public utility that is required to adopt or update a plan of water conservation in accordance with the provisions of NRS 704.662 and:**

**(a) Serves 3,300 persons or more must conduct a water loss audit in accordance with the methodology and software of the American Water Works Association for water loss auditing. The results of the water loss audit must be submitted by the public utility to the Commission with the plan of water conservation or update to the plan of water conservation, as applicable.**

**(b) Serves less than 3,300 persons must calculate the amount of water delivered by the supplier of water and the amount of water that was billed to customers of the supplier of water for each year. The calculations must be submitted by the public utility to the Commission with the plan for water conservation or update to the plan of water conservation, as applicable.**

**2. If the public utility has previously submitted the results of a water loss audit to the Commission pursuant to paragraph (a) of subsection 1, and is submitting an update to the plan of water conservation, the public utility must also submit to the Commission:**

**(a) A comparison between the results of the new water loss audit and the previous water loss audit; and**

**(b) An analysis of any progress made by the public utility towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 704.6622.**

**3. If the public utility has previously submitted the results of the calculations conducted pursuant to paragraph (b) of subsection 1 to the**

Commission, and is submitting an update to the plan of water conservation, the supplier must also submit to the Commission:

(a) A comparison between the results of the new calculations and the previous calculations; and

(b) An analysis of any progress made by the public utility towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 704.6622.

4. The provisions of this section do not apply to a transient water system as defined in NRS 617.135.

**Sec. 9. NRS 704.6622 is hereby amended to read as follows:**

704.6622 1. A plan of water conservation submitted to the Commission for approval must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this state and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

~~(1) Identify~~ **identify** and reduce ~~leakage~~ **water loss** in water supplies, inaccuracies in water meters and high pressure in water supplies ~~;~~ **and, which must include, without limitation:**

(1) Goals for acceptable levels of water loss in water supplies. Such goals may use the following performance indicators and analyses, without limitation:

(I) Infrastructure water loss index;

(II) Water audit data validity score;

(III) Operational basic apparent losses;

(IV) Operational basic real losses; and

(V) Economic level of water loss.

~~(2) Increase~~ A plan which analyzes how the public utility will progress towards the goals established for the acceptable levels of water loss.

(d) The management of water to, where applicable, increase the reuse of effluent.

~~((d))~~ (e) A contingency plan for drought conditions that ensures a supply of potable water.

~~((e))~~ (f) A schedule for carrying out the plan.

~~((f))~~ (g) A plan for how the public utility will progress towards the installation of meters on all connections, if applicable.

(h) Standards for water efficiency for new development.

(i) Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.

(j) Watering restrictions based on the time of day and the day of the week.(k) Measures to evaluate the effectiveness of the plan.

2. A plan submitted for approval must be accompanied by an analysis of the feasibility of charging variable rates for the use of water to encourage the conservation of water.

3. The Commission shall review any plan submitted to it and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

~~Sec. 8.~~ **Sec. 10.** This act becomes effective:

1. Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 117.

AN ACT relating to maternal health; establishing the Maternal Mortality Review Committee; requiring the Committee to review each incident of maternal mortality and severe maternal morbidity in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the director or another authorized representative of an agency which provides child welfare services to organize one or more multidisciplinary teams to review certain deaths of children. (NRS 432B.405) Existing law also establishes the Executive Committee to Review the Death of Children to review the report and recommendations of a multidisciplinary team to review the death of a child. (NRS 432B.408, 432B.409) **Section 6** of this bill establishes the Maternal Mortality Review Committee within the Department of Health and Human Services. **Section 6** requires the Director of the Department to appoint various persons who are interested in maternal health and welfare as members of the Committee. **Section 7** of this bill requires the Committee to: (1) review incidents of maternal mortality and, to the extent that resources are available, severe maternal morbidity in this State; (2) disseminate findings and recommendations concerning maternal mortality and severe maternal morbidity to providers of health care, medical facilities, other interested persons and the public; (3) publish an annual report consisting of data relating to maternal mortality and severe maternal morbidity; and (4) submit to the Legislature a biennial report containing a description of incidents



reviewed by the Committee and recommendations to reduce maternal mortality and severe maternal morbidity in this State. **Section 8** of this bill authorizes the Committee to take measures necessary to perform those duties, including consulting with interested persons and entering into contracts. **Section 9** of this bill entitles the Committee to ~~any~~ **certain** records it deems necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 9** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 9 and 10** of this bill provide that such records are not public records. **Sections 9 and 11** of this bill provide that meetings of the Committee are closed to the public.

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

**Section 1.** Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Committee” means the Maternal Mortality Review Committee established by section 6 of this act.*

**Sec. 4.** *“Maternal mortality” means the death of a woman during pregnancy, childbirth or the 365 days immediately following the end of a pregnancy.*

**Sec. 5.** *“Severe maternal morbidity” means an unexpected incident during childbirth that has a serious negative effect on the short-term or long-term health of the mother.*

**Sec. 6. 1.** *The Maternal Mortality Review Committee is hereby established within the Department of Health and Human Services.*

**2.** *The Director shall appoint to the Committee not less than 6 members and not more than 12 members who:*

*(a) Are providers of health care, representatives of nonprofit organizations whose work is related to health care or women’s issues, representatives of agencies involved in vital statistics, law enforcement and public health and other persons interested in maternal health and welfare; and*

*(b) Represent the racial, ethnic, linguistic and geographic diversity of this State.*

**3.** *The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

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

5. *A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:*

*(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or*

*(b) Take annual leave or compensatory time for the absence.*

6. *At the first meeting of the Committee and annually thereafter:*

*(a) The Director shall appoint a Chair of the Committee;*

*(b) The Committee shall elect a Secretary from among its members; and*

*(c) The Committee shall adopt rules for its own management and government.*

7. *The Committee shall meet at least twice each year and may meet at such further times as deemed necessary by the Chair.*

8. *A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.*

9. *The Director may:*

*(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 9, inclusive, of this act; and*

*(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 9, inclusive, of this act.*

Sec. 7. 1. *The Committee shall:*

*(a) Identify and review each incident of maternal mortality in this State, regardless of the cause of death. Such a review must include, without limitation and to the extent that such records exist, a review of relevant medical records, birth and death certificates, records of an autopsy, records created by a medical facility or provider of emergency medical services, records of a social services agency, mental health records and records of a law enforcement agency ~~as~~ described in section 9 of this act.*

*(b) Use the Maternal Mortality Review Information Application developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services or, if that application ceases to exist, a similar application designated by the Director, to conduct reviews pursuant to paragraph (a).*

*(c) Within the limits of available resources, review incidents and trends in severe maternal morbidity in this State.*

(d) *Based on the reviews conducted pursuant to paragraphs (a) and (c), develop recommendations to prevent maternal mortality and severe maternal morbidity and disseminate findings and recommendations to providers of health care, medical facilities, other interested persons and entities and the public.*

(e) *On or before ~~January 15~~ April 1 of each year, compile and publish on an Internet website operated by the Department a report that consists of data concerning maternal mortality and severe maternal morbidity in this State during the immediately preceding year. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.*

(f) *On or before December 31 of each even-numbered year and in collaboration with the Chief Medical Officer, develop and submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report that includes, without limitation:*

(1) *A description of the incidents of maternal mortality and severe maternal morbidity reviewed pursuant to paragraphs (a) and (c), respectively, during the immediately preceding 24 months, provided in a manner that does not allow for the identification of any person;*

(2) *Plans for corrective action to reduce maternal mortality and severe maternal morbidity in this State; and*

(3) *Recommendations for any legislation or other changes to policy to reduce maternal mortality and severe maternal morbidity or otherwise improve the delivery of health care in this State.*

2. *As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.*

Sec. 8. *The Committee may take any action necessary to carry out its duties, including, without limitation:*

1. *Consulting with experts and other interested persons to ensure the data collected is of the highest quality;*

2. *Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university to assist the Committee with its organization and meetings, to collect, analyze and disseminate information or to assist in carrying out any other duty of the Committee;*

3. *Establishing subcommittees consisting of members of the Committee; and*

4. *Employing such persons as it deems necessary to carry out its duties.*

Sec. 9. 1. *The Committee is entitled to access to:*

(a) *All final investigative information of law enforcement agencies regarding a maternal death or incident of severe maternal morbidity being investigated by the Committee ~~for~~ for which the investigation by the law enforcement agency has been closed;*

(b) *Any autopsy and coroner's investigative records relating to the death or incident;*

(c) *Any medical or mental health records of the mother;*

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the mother or the mother's family; and

(e) Any other records determined by the Committee to be necessary to perform its duties ~~for~~, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; or

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of severe maternal morbidity being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a maternal death or incident of severe maternal morbidity for the purpose of research or to prevent future maternal mortality and severe maternal morbidity if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

6. The meetings of the Committee are closed to the public.

**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, 41.071, 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, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 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, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 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, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 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, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 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, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 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, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 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.110, 687A.115, 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.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 9 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. 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 a readily available medium 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 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, **and section 9 of this act**, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

**Sec. 12.** Notwithstanding the provisions of paragraph (e) of subsection 1 of section 7 of this act, the first report required by that paragraph must be published on an Internet website operated by the Department on or before ~~January 15,~~ **April 1, 2021.**

**Sec. 13.** 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. 14.** This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 181.

Bill read second time.

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

Amendment No. 96.

AN ACT relating to employment; establishing specific provisions governing practices of employers relating to employee attendance; providing **for administrative** penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits certain employment practices and prohibits employers and their agents or representatives from engaging in such practices. (Chapter 613 of NRS) This bill prohibits an employer from requiring an employee to be physically present at his or her place of employment to report that the employee is sick or injured and cannot work. In addition, this bill specifically allows an employer to require an employee to ~~[(1)]~~ notify the employer that the employee is sick or injured and cannot work ~~[(1)]~~ and ~~[(2)]~~ ~~provide documentation of the illness or injury from a clinic, physician's office or other medical facility.~~ This bill ~~[(makes)]~~ **provides that** a violation of **section 1** ~~[(a misdemeanor and provides for)]~~ **may be subject to** administrative penalties.

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

**Section 1.** Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. An employer:**

(a) *Shall not require an employee to be physically present at his or her place of work in order to notify his or her employer that he or she is sick or ~~injured~~ has sustained an injury that is not work-related and cannot work.*

(b) *May require an employee to notify the employer that he or she is sick or injured and cannot report for work.*

~~[(c) May require, upon the employee's return to work, a note from a clinic, physician's office or other medical facility documenting the employee's illness or injury.]~~

~~2. [Any employer, or agent or representative thereof, violating any provision of this section is guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000.]~~

~~3.]~~ *In addition to any other remedy or penalty, the Labor Commissioner may impose against ~~each culpable party~~ any employer or agent or representative thereof that is found to have violated any provision of this section an administrative penalty of not more than \$5,000 for each such violation.*

~~4.]~~ *3. If ~~a fine or~~ an administrative penalty is imposed pursuant to this section, the costs of the proceeding, including without limitation, investigative costs and attorney's fees, may be recovered by the Labor Commissioner.*

**Sec. 2. This act becomes effective upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.



Assembly Bill No. 186.

Bill read second time.

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

Amendment No. 55.

AN ACT relating to elections; enacting the Agreement Among the States to Elect the President by National Popular Vote; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The United States Constitution requires the election of President and Vice President by presidential electors from each state who are appointed in the manner directed by each state legislature. **It is under the federal constitutional power granted to the states by the Presidential Electors Clause.** (U.S. Const. Art. II, § 1, cl. 2, U.S. Const. Amend. XII) **The United States Supreme Court has stated that the Presidential Electors Clause “concede[s] plenary power to the state legislatures in the matter of the appointment of electors” and “recognizes that the people act through their representatives in the legislature, and leaves it to the legislature exclusively to define the method of effecting the object.” (McPherson v. Blacker, 146 U.S. 1, 27, 35 (1892)) The Supreme Court also has stated that the Presidential Electors Clause was “so framed that congressional and federal influence might be excluded” and, as a result, “the appointment and mode of appointment of electors belong exclusively to the states under the [C]onstitution of the United States.” (McPherson, 146 U.S. at 35)**

**Under existing law in Nevada, the Legislature has exercised its power to define the method of appointing this State's presidential electors by enacting the Uniform Faithful Presidential Electors Act. (NRS 298.005-298.089)** Existing law **in the Uniform Act** sets forth the process for the nomination of presidential electors, and alternates thereof, by major and minor political parties and by independent candidates, and requires each nominee for presidential elector and alternate to sign a pledge to vote only for the candidates for President and Vice President who receive the highest number of votes in this State at the general election. (NRS 298.035, 298.045) The nominees for presidential elector whose candidates for President and Vice President receive the highest number of votes in this State at the general election are the presidential electors, and the presidential electors may vote only for the candidates for President and Vice President who receive the highest number of votes in this State at the general election. (NRS 298.065, 298.075)

**Section 3** of this bill enacts the Agreement Among the States to Elect the President by National Popular Vote. **It is to supplement existing law in the Uniform Act.** The Agreement takes effect when states cumulatively possessing a majority of the electoral votes have enacted the Agreement. **Sections 3.8-9 of this bill amend existing law in the Uniform Act to revise the method of appointing this State's presidential electors if the**

**Agreement takes effect and applies to a presidential election. However, for any presidential election in which the Agreement is not effective or does not apply to the election, existing law in the Uniform Act governs the method of appointing this State’s presidential electors.**

Sections 3 and 7 of this bill provide that if the Agreement is effective and applies to a presidential election: (1) the chief elections official will determine which **slate of** candidates for President and Vice President wins the national popular vote. ~~[.]~~ **and will designate that presidential slate as the national popular vote winner;** and (2) except in the case of a tie in the national popular vote, the nominees for presidential elector **whose slate** of ~~(the)~~ candidates for President and Vice President ~~[who win]~~ **is** the national popular vote **winner** become the presidential electors. ~~[Section]~~ **Sections 3 and 8** of this bill ~~[provides]~~ **provide** that if the Agreement is effective and applies to a presidential election, the presidential electors shall, with limited exception, mark their presidential elector ballots for the national popular vote winner. **Sections 2, ~~[4-6]~~ 3.8-6 and 9** of this bill make conforming changes.

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

**Section 1.** Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *“Agreement” means the Agreement Among the States to Elect the President by National Popular Vote set forth in section 3 of this act.*

**Sec. 3.** *The Agreement Among the States to Elect the President by National Popular Vote is hereby enacted into law and entered into with all jurisdictions legally joining the Compact, in substantially the form set forth in this section:*

#### *Article I—Membership*

*Any State of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.*

#### *Article II—Right of the People in Member States to Vote for President and Vice President*

*Each member state shall conduct a statewide popular election for President and Vice President of the United States.*

#### *Article III—Manner of Appointing Presidential Electors in Member States*

*Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.*

*The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”*

*The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.*

*At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.*

*The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state’s final determination conclusive as to the counting of electoral votes by Congress.*

*In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official’s own state.*

*If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state’s number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state’s presidential elector certifying official shall certify the appointment of such nominees.*

*The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.*

*This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.*

#### *Article IV—Other Provisions*

*This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.*

*Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.*

*The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.*

*This agreement shall terminate if the electoral college is abolished.*

*If any provision of this agreement is held invalid, the remaining provisions shall not be affected.*

#### *Article V—Definitions*

*For purposes of this agreement,*

*“chief executive” shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;*

*“elector slate” shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;*

*“chief election official” shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;*

*“presidential elector” shall mean an elector for President and Vice President of the United States;*

*“presidential elector certifying official” shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;*

*“presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;*

*“state” shall mean a State of the United States and the District of Columbia; and*

*“statewide popular election” shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.*

**Sec. 3.8. NRS 298.005 is hereby amended to read as follows:**

298.005 NRS 298.005 to 298.089, inclusive, and section 2 of this act may be cited as the Uniform Faithful Presidential Electors Act.

**Sec. 3.9. NRS 298.015 is hereby amended to read as follows:**

298.015 As used in NRS 298.005 to 298.089, inclusive, ~~the~~ and section 2 of this act, unless the context otherwise requires:

1. The words and terms defined in NRS 298.023 and 298.028 and section 2 of this act have the meanings ascribed to them in those sections.; ~~and~~

2. If the Agreement Among the States to Elect the President by National Popular Vote is effective and the Agreement governs the appointment of presidential electors for the current presidential election, the words and terms defined in the Agreement have the meanings ascribed to them therein.

**Sec. 4.** NRS 298.023 is hereby amended to read as follows:

298.023 “Alternate” means a person selected ~~pursuant to NRS 298.035~~ to be an alternate to a nominee for presidential elector.

**Sec. 5.** NRS 298.028 is hereby amended to read as follows:

298.028 “Nominee for presidential elector” means a person selected ~~pursuant to NRS 298.035~~ to be a nominee to the position of presidential elector by a major political party, a minor political party or an independent candidate nominated for the office of President pursuant to NRS 298.109.

**Sec. 6.** NRS 298.045 is hereby amended to read as follows:

298.045 1. Except as otherwise provided in subsection 2, a nominee for presidential elector or an alternate may not serve as a presidential elector unless the nominee for presidential elector or the alternate signs a pledge in substantially the following form:

If selected for the position of presidential elector, I agree to serve as such and to vote only for the ~~nominees~~ candidates for President and Vice President of the political party ~~that nominated me for the position as presidential elector~~ or the independent candidates who received the highest number of votes in this State at the general election. ~~nominated me for the position of presidential elector, as applicable.~~ However, if the Agreement Among the States to Elect the President by National Popular Vote is effective and the Agreement governs the appointment of presidential electors for the current presidential election, I agree to vote only for the candidates for President and Vice President on the winning presidential slate as determined pursuant to Article III of the Agreement.

2. If a nominee for presidential elector or an alternate is physically unable to sign the pledge, the pledge may be signed by proxy in the presence of the nominee for presidential elector or the alternate, as applicable.

3. The chair and secretary of the convention of a major political party, the person who is authorized to file the list of candidates for partisan office of a minor political party with the Secretary of State pursuant to NRS 293.1725 or an independent candidate shall submit to the Secretary of State each pledge

signed pursuant to this section with the list of nominees for presidential elector and alternates.

**Sec. 7.** NRS 298.065 is hereby amended to read as follows:

298.065 1. The Secretary of State shall preside at the meeting of presidential electors held pursuant to 3 U.S.C. § 7.

2. Except as otherwise provided in this section and NRS 298.075 ~~††~~:

(a) ***If the Agreement is not effective or the Agreement does not govern the appointment of presidential electors for the current presidential election, the presidential electors are the*** nominees for presidential elector whose candidates for President and Vice President receive the highest number of votes in this State at the general election. ~~[are the presidential electors.]~~

(b) ***If the Agreement ~~has become~~ is effective and the Agreement governs the appointment of presidential electors for the current presidential election, the presidential electors are the elector slate nominated in association with the winning presidential slate as determined pursuant to Article III of the Agreement.***

~~†2.†~~ 3. If a ~~nominee for~~ presidential elector ***described in subsection 2*** is not present to vote at the meeting, the position of presidential elector to be filled by that ~~nominee for presidential elector~~ ***person*** is vacant and the vacancy must be filled as follows:

(a) If the alternate is present at the meeting, the Secretary of State shall appoint the alternate to the position of presidential elector;

(b) If the alternate is not present at the meeting, the Secretary of State shall appoint to the position of presidential elector a person chosen by lot from among the alternates present at the meeting, if any;

(c) If no alternates are present at the meeting, the Secretary of State shall appoint to the position of presidential elector a person who is:

(1) A qualified elector;

(2) Present at the meeting; and

(3) Chosen through nomination by and plurality vote of presidential electors who are present at the meeting; and

(d) If votes cast pursuant to subparagraph (3) of paragraph (c) result in a tie, the Secretary of State shall appoint to the position of presidential elector a person who is chosen by lot from those persons who tied for the most votes.

~~†3.†~~ 4. If all the positions of presidential elector are vacant and no alternates are present at the meeting, the Secretary of State shall appoint from the qualified electors one person to the position of presidential elector, and the remaining positions must be filled pursuant to paragraphs (c) and (d) of subsection ~~†2.~~

~~—4.†~~ 3.

5. The nomination by and vote of a single presidential elector is sufficient to choose a person to be appointed to the position of presidential elector pursuant to subparagraph (3) of paragraph (c) of subsection ~~†2.~~

~~—5.†~~ 3.

6. Except as otherwise provided in subsection ~~6.1~~ 7, a person appointed to the position of presidential elector pursuant to this section may not serve in that position unless the person signs a pledge in substantially the following form:

I agree to serve as a presidential elector and to vote only for the ~~nominees~~ ***candidates*** for President and Vice President of the ***political*** party or the independent candidates who received the highest number of votes in this State at the general election. ***However, if the Agreement ~~has become~~ Among the States to Elect the President by National Popular Vote is effective and the Agreement governs the appointment of presidential electors for the current presidential election, I agree to vote only for the ~~nominees~~ candidates for President and Vice President on the winning presidential slate as determined pursuant to Article III of the Agreement.***

~~6.1~~ 7. If a person appointed to the position of presidential elector pursuant to this section is physically unable to sign the pledge, the pledge may be signed by proxy.

~~7.1~~ 8. If a person appointed to a position of presidential elector pursuant to this section does not sign the pledge described in subsection ~~5.1~~ 6, that position of presidential elector is vacant and must be filled pursuant to this section.

**Sec. 8.** NRS 298.075 is hereby amended to read as follows:

298.075 1. The Secretary of State shall provide to each presidential elector a ballot for the office of President and a ballot for the office of Vice President. ~~The~~

**2. Each** presidential elector shall mark the applicable ballot provided **to him or her** by the Secretary of State for :

***(a) If the Agreement is not effective or the Agreement does not govern the appointment of presidential electors for the current presidential election, the person who received the highest number of votes at the general election for the office of President and the person who received the highest number of votes at the general election for the office of Vice President.***

***(b) If the Agreement is effective and the Agreement governs the appointment of presidential electors for the current presidential election, the person who is the candidate for the office of President and the person who is the candidate for the office of Vice President on the winning presidential slate as determined pursuant to Article III of the Agreement.***

~~The~~

**3. Each** presidential elector shall sign and legibly print his or her name on the ballots **provided to him or her by the Secretary of State** and present the ballots to the Secretary of State.

~~2.1~~ **4.** After all presidential electors have presented their ballots to the Secretary of State, the Secretary of State shall examine each ballot. If a presidential elector:

(a) Presents both ballots and the ballots are marked with votes ~~for the person who received the highest number of votes at the general election for the office of President and the person who received the highest number of votes at the general election for the office of Vice President, respectively,~~ **that conform with the provisions of subsection ~~1.1~~ 2,** the Secretary of State shall accept both ballots.

(b) Does not present both ballots, presents an unmarked ballot or presents a ballot marked with a vote that does not conform with the provisions of subsection ~~1.1~~ 2:

(1) The Secretary of State shall refuse to accept either ballot of the presidential elector; and

(2) The Secretary of State shall deem the presidential elector's position vacant. The vacancy must be filled pursuant to the provisions of NRS 298.065. The person appointed to fill the vacancy in the position of presidential elector, after signing the pledge described in NRS 298.065, shall mark both ballots and present both ballots to the Secretary of State pursuant to this section.

~~1.1~~ 5. Only the votes accepted by the Secretary of State pursuant to this section may be recorded on the lists of votes made by the presidential electors pursuant to 3 U.S.C. § 9.

Sec. 9. NRS 298.089 is hereby amended to read as follows:

298.089 ~~1.1~~

**1. Except as otherwise provided in subsection 2, in** applying and construing the provisions of NRS 298.005 to 298.089, inclusive, ~~and sections 2 and 3~~ **section 2 of this act,** consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that have enacted the Uniform Faithful Presidential Electors Act ~~and, if applicable,~~

**2. If the Agreement ~~Among the States to Elect the President by National Popular Vote~~ is effective and the Agreement governs the appointment of presidential electors for the current presidential election, the provisions of the Agreement and the Uniform Faithful Presidential Electors Act must be applied and construed to supplement each other, except that if there is any conflict between the application or construction of the provisions of the Agreement and the Uniform Faithful Presidential Electors Act, the provisions of the Agreement control.**

Sec. 10. This act becomes effective upon passage and approval.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

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



Amendment No. 110.

AN ACT relating to driver authorization cards; revising provisions governing the administration of driver authorization cards; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Department of Motor Vehicles to adopt regulations prescribing the period for which a driver's license is valid. (NRS 483.380) Those regulations specify that a driver's license expires on the eighth anniversary or fourth anniversary of the birthday of the licensee, depending on certain circumstances. (NAC 483.043) Under existing law, a driver authorization card expires on the fourth anniversary of the holder's birthday. (NRS 483.291) **Section 1** of this bill removes the fourth anniversary expiration requirement for a driver authorization card, and **section 2** of this bill requires instead that the regulations which prescribe the date of expiration of a driver's license also prescribe the expiration of a driver authorization card and that they must be valid for the same period, unless otherwise required by federal law.

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

**Section 1.** NRS 483.291 is hereby amended to read as follows:

483.291 1. An application for an instruction permit or for a driver authorization card must:

- (a) Be made upon a form furnished by the Department.
- (b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.
- (c) Be accompanied by the required fee.
- (d) State the name, date of birth, sex and residence address of the applicant and briefly describe the applicant.
- (e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her name and age by displaying an original or certified copy of:

- (a) Any one of the following documents:
  - (1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;
  - (2) A driver's license issued by another state, the District of Columbia or any territory of the United States which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains

a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17;

(3) A passport issued by the United States Government;

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

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian or Alaska Native Blood issued by the United States Government;

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

(8) A Consular Report of Birth Abroad issued by the Department of State;

(9) A document issued by the Department pursuant to NRS 483.375 or 483.8605; or

(10) Such other documentation as specified by the Department by regulation; or

(b) Any two of the following documents:

(1) A driver's license issued by another state, the District of Columbia or any territory of the United States other than such a driver's license described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government;

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar; or

(5) Any other proof acceptable to the Department.

↪ No document which is written in a language other than English may be accepted by the Department pursuant to this subsection unless it is accompanied by a verified translation of the document in the English language.

3. Every applicant must prove his or her residence in this State by displaying an original or certified copy of any two of the following documents:

(a) A receipt from the rent or lease of a residence located in this State;

(b) A record from a public utility for a service address located in this State which is dated within the previous 60 days;

(c) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;

(d) A stub from an employment check indicating a residential address located in this State;

(e) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;

(f) A record, receipt or bill from a medical provider indicating a residential address located in this State; or

(g) Any other document as prescribed by the Department by regulation.

4. Except as otherwise provided in subsection 5, a driver authorization card or instruction permit obtained in accordance with this section must:

(a) Contain the same information as prescribed for a driver's license pursuant to NRS 483.340 and any regulations adopted pursuant thereto;

(b) Be of the same design as a driver's license and contain only the minimum number of changes from that design that are necessary to comply with subsection 5; and

(c) Be numbered from the same sequence of numbers as a driver's license.

5. A driver authorization card or instruction permit obtained in accordance with this section must comply with the requirements of section 202(d)(11) of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 302, 312-15, 49 U.S.C. § 30301 note.

6. ~~Notwithstanding the provisions of NRS 483.380, every~~ **Every** driver authorization card:

(a) Expires ~~on the fourth anniversary of the holder's birthday, measured in the case of initial issuance or renewal from the birthday nearest the date of issuance or renewal~~ **as provided in the regulations adopted by the Department pursuant to NRS 483.380.**

(b) Is renewable at any time before its expiration upon application and payment of the required fee. ~~The Department may, by regulation, defer the expiration of the driver authorization card of a person who is on active duty in the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the driver authorization card of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.~~

7. A driver authorization card shall not be used to determine eligibility for any benefits, licenses or services issued or provided by this State or its political subdivisions.

8. Except as otherwise provided in this section or by specific statute, any provision of this title that applies to drivers' licenses shall be deemed to apply to a driver authorization card and an instruction permit obtained in accordance with this section.

**Sec. 2.** NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS 483.283, every driver's license **and driver authorization card** expires as prescribed by regulation.

2. The Department shall adopt regulations prescribing when a driver's license ~~expires~~ **and a driver authorization card expire**. The Department may, by regulation, defer the expiration of the driver's license **or driver authorization card** of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the **driver's license or driver authorization card** of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

3. *Except as otherwise required by federal law, the regulations required pursuant to subsection 2 must ensure that the period between the issuance and expiration of a driver authorization card is equal to the period between the issuance and expiration of a driver's license.*

Sec. 3. As soon as practicable after July 1, 2019, the Department of Motor Vehicles shall adopt the regulations required pursuant to NRS 483.380, as amended by section 2 of this act.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and ~~on July 1, 2019.~~ April 1, 2020, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

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

Amendment No. 155.

ASSEMBLYMEN TOLLES, ROBERTS; CARRILLO, GORELOW, HANSEN, HARDY, KRASNER, LEAVITT, NGUYEN, SPIEGEL, THOMPSON AND TITUS

JOINT SPONSORS: SENATORS SEEVERS GANSERT, KIECKHEFER, SPEARMAN; AND PICKARD

SUMMARY—Revises provisions governing the ~~membership of the~~ Nevada Early Childhood Advisory Council. (BDR 38-862)

AN ACT relating to children; revising the membership of the Nevada Early Childhood Advisory Council; requiring the Council to annually submit a report to the Governor and the Legislature; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the Nevada Early Childhood Advisory Council and sets forth the minimum membership of the Council, who are required to be appointed by the Governor. The Governor is authorized to appoint such additional members to the Council as the Governor determines are necessary. (NRS 432A.076) ~~This~~ **Section 1 of this** bill requires that the membership of the Council include a member who is a representative of the pediatric mental, physical or behavioral health care industry. Section 1 also requires the Council to annually submit a report to the Governor and to the Legislature, which must include a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.

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

**Section 1.** NRS 432A.076 is hereby amended to read as follows:

432A.076 1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:

(a) One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for child care;

(b) One member who is a representative of the Department of Education;

(c) One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

(d) One member who is a representative of the boards of trustees of the school districts in this State;

(e) One member who is a representative of the Nevada System of Higher Education;

(f) One member who is a representative of local providers of early childhood education and developmental services;

(g) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

(h) One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

(i) One member who is a representative of the Aging and Disability Services Division of the Department;

(j) One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs;

(k) One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood education programs; ~~and~~

(l) ***One member who is a representative of the pediatric mental, physical or behavioral health care industry; and***

(m) Such other members as the Governor determines are appropriate.

2. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood education programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood education programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.

(h) Perform such other duties relating to early childhood education programs as designated by the Governor.

3. **On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.**

4. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

**Sec. 1.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 2. This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 83.

CONTAINS UNFUNDED MANDATE (§§ ~~13-5~~ **3, 4**)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; requiring the establishment of an integrated pest management policy for controlling pests and weeds on the property of a school district; requiring the appointment of a chief integrated pest management coordinator in each school district; authorizing the appointment of subordinate integrated pest management coordinators; requiring certain employees of a school district to be certified in integrated pest management, ~~if~~ **if the certification is available at no additional cost to the school district;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the board of trustees of a school district to manage and control school property within the district, except for the property of a charter school. (NRS 393.010) Existing law requires the board of trustees of each school district to ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district. (NRS 386.4195) **Section 3** of this bill requires the board of trustees of each school district to establish and maintain an integrated pest management policy to provide pest and weed control on the property of the district. **Section 3** prescribes the required contents of such a policy, which include: (1) a procedure for monitoring the property of the district to determine when pests or weeds are present and, when pest or weed problems are significant, to take corrective action; and (2) written guidelines for determining when specific measures should be taken to control pests and weeds. **Section 4** of this bill requires the superintendent of a school district to appoint a chief integrated pest management coordinator to carry out the policy. **Section 4** also authorizes a superintendent to appoint subordinate integrated pest management coordinators to assist the chief integrated pest management coordinator in the performance of his or her duties. **Section 5** of this bill requires the board of trustees of a school district to ensure that at least 10 percent of the employees of the school district who provide custodial or maintenance services are certified in integrated pest management **if the certification is available at no additional cost to the school district,** by a nonprofit organization that meets certain qualifications.

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

**Section 1.** Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, “integrated pest management” means a strategy for controlling pests and weeds with minimal use of pesticides or herbicides.*

**Sec. 3. 1.** *The board of trustees of each school district shall adopt and maintain an integrated pest management policy to provide pest and weed control on the property of the district. The integrated pest management policy must include, without limitation:*

*(a) The qualifications for a person to be authorized to apply pesticides or herbicides on any property belonging to the district;*

*(b) Information concerning the designation of and required training for a chief or subordinate integrated pest management coordinator appointed pursuant to section 4 of this act;*

*(c) A procedure for monitoring the property of the district to determine when pests or weeds are present and, when significant, for taking corrective action;*

*(d) Written guidelines for determining when to take specific measures to control pests and weeds, which must:*

*(1) Prioritize the use of preventive measures, including, without limitation, proper maintenance and sanitation to deny pests access to food, water and shelter;*

*(2) Require the use of nonchemical pest or weed management before using pesticides or herbicides; and*

*(3) Require any use of pesticides or herbicides to be carried out in a manner that creates the lowest possible risk to health and safety;*

*(e) A system for maintaining records of reports of inspections of facilities, work orders and service reports for pest or weed control services, applications of pesticides or herbicides and complaints concerning pesticides or herbicides, including, without limitation, rules concerning the length of time that such records must be maintained;*

*(f) A plan for educating and, if appropriate, training employees of the school district concerning their roles and duties concerning the integrated pest management policy; and*

*(g) A procedure to notify school employees, pupils, parents or guardians of pupils and other affected persons before any pesticide or herbicide is applied on the property of a school. Such notice may be provided by telephone, in writing or by electronic mail.*

**2.** *The superintendent of each school district and each chief and subordinate integrated pest management coordinator appointed pursuant to section 4 of this act shall maintain a copy of the integrated pest management policy established pursuant to subsection 1.*



Sec. 4. 1. *The superintendent of each school district:*

(a) *Shall appoint a chief integrated pest management coordinator to carry out the integrated pest management policy established pursuant to section 3 of this act; and*

(b) *May appoint subordinate integrated pest management coordinators to assist the chief integrated pest management coordinator in the performance of his or her duties.*

2. *An employee of the school district may be appointed as the chief integrated pest management coordinator or subordinate integrated pest management coordinator pursuant to subsection 1.*

3. *Not later than 90 days after appointing a chief or subordinate integrated pest management coordinator, the superintendent shall report to the Department:*

(a) *The name, address, telephone number and electronic mail address of the integrated pest management coordinator;*

(b) *The effective date of the appointment; and*

(c) *The ~~position~~ role to which the person has been appointed.*

~~3.~~ 4. *A chief or subordinate integrated pest manager appointed pursuant to this section shall:*

(a) *Oversee any staff who are responsible for pest and weed control and ensure proper training of such staff in accordance with section 5 of this act and the pest management policy established pursuant to section 3 of this act;*

(b) *Oversee the work of any contractor who is engaged to provide pest and weed control;*

(c) *Communicate with school administrators, the superintendent of the school district and the board of trustees of the school district concerning planned activities to control pests and weeds; and*

(d) *Ensure compliance with the integrated pest management policy established pursuant to section 3 of this act, including, without limitation, the system for maintaining records and the procedure prescribed in the policy for providing notification before the application of a pesticide or herbicide on property belonging to the school district.*

Sec. 5. 1. *~~The~~ If a certification in integrated pest management that meets the requirements of subsection 2 is available at no additional cost to a school district, the board of trustees of each school district ~~shall~~ must ensure that at least 10 percent of the employees of the school district who provide custodial or maintenance services ~~are certified in integrated pest management by a nonprofit organization that meets the requirements of subsection 2.~~ hold such a certification.*

2. *A certification in integrated pest management is valid for the purposes of subsection 1 if the certification was issued by a nonprofit organization that:*

(a) *Is recognized nationally or internationally;*

*(b) Has at least 15 years of experience providing education and training to school employees concerning management of pests in structures and landscape;*

*(c) Displays ongoing involvement in the development of integrated pest management strategies;*

*(d) Requires a majority of its officers and board of directors to hold an advanced degree in a field related to pest management and a certification or other credential in integrated pest management; and*

*(e) Provides training that is required for the certification in a manner that is accessible in-person or remotely.*

**Sec. 6.** The board of trustees of a school district shall adopt an integrated pest management policy pursuant to section 3 of this act on or before January 1, 2020, and conduct all pest and weed control activities occurring thereafter on the property of the district in accordance with such a policy.

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

**Sec. 8.** This act becomes effective:

1. Upon passage and approval for the purpose of developing an integrated pest management policy pursuant to section 3 of this act, appointing chief and subordinate integrated pest management coordinators pursuant to section 4 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

Assemblyman Thompson moved the adoption of the amendment.

Remarks by Assemblyman Thompson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 43.

AN ACT relating to business entities; revising provisions concerning certain records required to be kept by certain business entities; revising provisions relating to the breach of a fiduciary duty by a director or officer of a corporation; revising provisions relating to the ability of a stockholder to dissent in certain circumstances; ~~revising provisions concerning distributions;~~ revising the definition of the term “issuing corporation” as it relates to the acquisition of a controlling interest therein; authorizing stockholders of a corporation to approve an amendment to the articles of incorporation in writing; requiring written notice to certain stockholders after the dissolution of a corporation approved by written consent of the stockholders thereof; revising provisions relating to the individual liability of a person acting as the alter ego of a corporation and applying such provisions to limited-liability companies; revising provisions concerning the

indemnification of certain persons by a corporation; establishing provisions relating to the duties owed to ~~the~~ certain limited-liability ~~company~~ companies and ~~its members~~ certain other persons by a ~~member~~ manager or ~~officer~~ managing member of the limited-liability company; establishing provisions relating to a series of members of a limited-liability company; establishing the circumstances under which the merger of a publicly traded corporation without the vote of the stockholders is authorized; revising provisions relating to limitations on the right of a stockholder to dissent; making various other changes relating to business entities; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes various provisions relating to business entities, including private corporations, nonprofit corporations and limited-liability companies. (Chapters 78, 82 and 86 of NRS) This bill revises certain provisions relating to such specific business entities and makes certain other changes generally relating to business entities.

**Section 1** of this bill authorizes a private corporation to include a forum selection clause within its articles of incorporation or bylaws.

**Sections 2, 17 and 22** of this bill revise provisions relating to certain records required to be kept by a private corporation, nonprofit corporation and limited-liability company, respectively, and provide that if such records are not made available for inspection within this State after a demand by certain persons, such a person may serve a demand upon the registered agent of the private corporation, nonprofit corporation or limited-liability company, as applicable, that the records be sent to the person or the agent or attorney thereof.

**Section 3** of this bill revises the acts that constitute a breach of the fiduciary duty of a director or officer of a corporation for the purpose of determining whether the director or officer is individually liable to the corporation or its stockholders or creditors for damages. ~~Section 3 also provides that if a director or officer is not individually liable for damages, liability must not be imposed on any person for aiding or abetting the director or officer in any such act or failure to act.~~

**Sections 4-6** of this bill revise provisions relating to the ability of a stockholder who is obligated, as a result of certain corporate action, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all their outstanding shares to dissent.

~~Section 7 of this bill provides that if the board of directors of a corporation determines that a distribution is not prohibited based on certain factors, such a determination is presumed to be proper in the absence of actual fraud. Section 8 of this bill provides that if the board of directors makes such a determination, liability does not apply to a director if it is not proven that the director had actual knowledge, before the distribution was made, that the determination was or had become erroneous.~~

**Section 11** of this bill revises the definition of the term “issuing corporation” for the purposes of provisions relating to the acquisition of a controlling interest therein.

**Section 12** of this bill authorizes stockholders of a corporation to approve an amendment to the articles of incorporation in writing instead of being required to approve such an amendment at a meeting under certain circumstances. **Section 13** of this bill provides that if the dissolution of a corporation is approved by written consent of the stockholders of a corporation, the corporation is required to notify each stockholder whose written consent was not solicited of the dissolution in writing not later than 10 days after the effective date of the dissolution.

**Section 14** of this bill revises provisions relating to the individual liability of a person acting as the alter ego of a corporation, and **section 19** of this bill makes such provisions applicable to limited-liability companies.

**Sections 15 and 16** of this bill revise provisions concerning the indemnification of certain persons by a corporation. **Section 15** establishes the requirements pursuant to which a determination that indemnification is proper must be made and authorizes a corporation to indemnify a person if such a determination is made. **Section 16** establishes the circumstances under which a corporation is required to indemnify a person.

**Section 20** of this bill establishes provisions relating to the duties owed ~~to~~ **by a manager or managing member of a limited-liability company (and its members by a member, manager or officer.) to the limited-liability company, to any series of the limited-liability company, to any member or to another person that is a party to or otherwise bound by the operating agreement.** **Section 31 of this bill provides that the provisions of section 20 apply only to certain limited-liability companies.**

**Sections 21 and 23-25** of this bill establish provisions relating to a series of members of a limited-liability company. **Section 23** of this bill authorizes a series to exercise the powers and privileges granted by the provisions of law governing limited-liability companies.

**Section 27** of this bill establishes the circumstances under which the merger of a publicly traded corporation without the vote of the stockholders is authorized and also establishes other provisions relating to such a merger.

**Section 28** of this bill revises provisions relating to the right of a stockholder to dissent from certain corporate actions and to obtain payment of the fair value of the stockholder’s shares and provides that a stockholder who is entitled to dissent and obtain payment is prohibited from challenging the corporate action creating the entitlement unless the action is unlawful or constitutes or is the result of actual fraud against the stockholder or the domestic corporation.

**Section 29** of this bill revises provisions relating to limitations on the right of a stockholder to dissent.

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

**Section 1.** Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *The articles of incorporation or bylaws of a corporation may require, to the extent not inconsistent with any applicable jurisdictional requirements, that any, all or certain internal actions must be brought solely or exclusively in the court or courts specified in the requirement, which must include at least one court in this State. Unless otherwise expressly set forth in the articles of incorporation or bylaws, such a requirement must not be interpreted as prohibiting any corporation from consenting, or requiring any corporation to consent, to any alternative forum in any instance.***

**2. *The provisions of this section do not create or authorize any cause of action against a corporation or its directors or officers.***

**3. *As used in this section:***

**(a) *“Court” means any court of:***

**(1) *This State, including, without limitation, those courts in any county having a business court, as that term is defined in NRS 13.050;***

**(2) *A state other than this State; or***

**(3) *The United States.***

**(b) *“Internal action” means any action, suit or proceeding; ~~that asserts any claim or counterclaim;~~***

**(1) *Brought in the name or right of the corporation or on its behalf, including, without limitation, any action subject to NRS 41.520;***

**(2) *For or based upon any breach of any fiduciary duty owed by any director, officer, employee or agent of the corporation in such capacity; or***

**(3) *Arising pursuant to, or to interpret, apply, enforce or determine the validity of, any provision of this title, the articles of incorporation, the bylaws or any agreement entered into pursuant to NRS 78.365 to which the corporation is a party or a stated beneficiary thereof.***

**Sec. 2.** NRS 78.105 is hereby amended to read as follows:

78.105 1. A corporation shall keep a copy of the following records at its principal office or with its custodian of records whose name and street address are available at the corporation’s registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually not later than 60 days after the date by which an annual list is required to be filed pursuant to NRS 78.150, containing *only* the names, alphabetically arranged, of all persons who are stockholders of record of the corporation, showing their places of residence, if known, and the number of shares held by them respectively.

2. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding the demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. ***Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.***

3. If the records required by subsection 1 are ~~kept outside of~~ ***not made available for inspection at a location within*** this State ~~to~~ ***pursuant to a proper demand made pursuant to subsection 2, the*** stockholder or other person ~~entitled to inspect those records~~ ***demanding the inspection*** may serve a demand ~~to inspect the records~~ upon the corporation's registered agent ~~that the records to be inspected be sent to the demanding stockholder or other person or the agent or attorney thereof.~~ Upon such a ~~request,~~ ***demand***, the corporation shall send copies of the requested records ~~that~~ ***required by subsection 1***, either in paper or electronic form, to the stockholder, ~~or~~ other person, ***agent or attorney*** entitled to inspect the requested records within 10 business days after service of the ~~request,~~ ***demand*** upon the registered agent. ~~Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.~~

~~3.~~ 4. If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection 2, the corporation is liable to the person injured for all damages resulting to the person therefrom.

~~4.~~ 5. In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

~~5.~~ 6. The right to copy records under subsection 2 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~6.~~ 7. The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

**Sec. 3.** NRS 78.138 is hereby amended to read as follows:

78.138 1. The fiduciary duties of directors and officers are to exercise their respective powers in good faith and with a view to the interests of the corporation.

2. In exercising their respective powers, directors and officers may, and are entitled to, rely on information, opinions, reports, books of account or statements, including financial statements and other financial data, that are prepared or presented by:

(a) One or more directors, officers or employees of the corporation reasonably believed to be reliable and competent in the matters prepared or presented;

(b) Counsel, public accountants, financial advisers, valuation advisers, investment bankers or other persons as to matters reasonably believed to be within the preparer's or presenter's professional or expert competence; or

(c) A committee on which the director or officer relying thereon does not serve, established in accordance with NRS 78.125, as to matters within the committee's designated authority and matters on which the committee is reasonably believed to merit confidence,

↳ but a director or officer is not entitled to rely on such information, opinions, reports, books of account or statements if the director or officer has knowledge concerning the matter in question that would cause reliance thereon to be unwarranted.

3. Except as otherwise provided in subsection 1 of NRS 78.139, directors and officers, in deciding upon matters of business, are presumed to act in good faith, on an informed basis and with a view to the interests of the corporation. A director or officer is not individually liable for damages as a result of an act or failure to act in his or her capacity as a director or officer except ~~under circumstances~~ as described in subsection 7.

4. Directors and officers, in exercising their respective powers with a view to the interests of the corporation, may:

(a) Consider all relevant facts, circumstances, contingencies or constituencies, including, without limitation:

(1) The interests of the corporation's employees, suppliers, creditors or customers;

(2) The economy of the State or Nation;

(3) The interests of the community or of society;

(4) The long-term or short-term interests of the corporation, including the possibility that these interests may be best served by the continued independence of the corporation; or

(5) The long-term or short-term interests of the corporation's stockholders, including the possibility that these interests may be best served by the continued independence of the corporation.

(b) Consider or assign weight to the interests of any particular person or group, or to any other relevant facts, circumstances, contingencies or constituencies.

5. Directors and officers are not required to consider, as a dominant factor, the effect of a proposed corporate action upon any particular group or constituency having an interest in the corporation.

6. The provisions of subsections 4 and 5 do not create or authorize any causes of action against the corporation or its directors or officers.

7. Except as otherwise provided in NRS 35.230, 90.660, 91.250, 452.200, 452.270, 668.045 and 694A.030, or unless the articles of incorporation or an amendment thereto, in each case filed on or after October 1, 2003, provide for greater individual liability, a director or officer is not individually liable to the corporation or its stockholders or creditors for any damages as a result of any act or failure to act in his or her capacity as a director or officer unless:

(a) The ~~trier of fact determines that the~~ presumption established by subsection 3 has been rebutted; and

(b) It is proven that:

(1) The director's or officer's act or failure to act constituted a breach of his or her fiduciary duties as a director or officer; and

(2) Such breach involved intentional misconduct, fraud or a knowing violation of law.

~~[*If a director or officer is not individually liable pursuant to this subsection to the corporation or its stockholders or creditors for any damages as a result of any breach of fiduciary duty or any other act or failure to act in his or her capacity as a director or officer, liability must not be imposed on any person for aiding and abetting the director or officer in any such breach, act or failure to act.*]~~

8. This section applies to all cases, circumstances and matters, ~~unless otherwise provided in the articles of incorporation, or an amendment thereto,~~ including, without limitation, any change or potential change in control of the corporation ~~+~~ **unless otherwise provided in the articles of incorporation or an amendment thereto.**

**Sec. 4.** NRS 78.205 is hereby amended to read as follows:

78.205 1. A corporation is not obligated to but may sign and deliver a certificate for or including a fraction of a share.

2. In lieu of signing and delivering a certificate for a fraction of a share, a corporation may:

(a) Pay to any person otherwise entitled to become a holder of a fraction of a share an amount in cash based on a per share value, and that value or the method of determining that value must be specified in the articles, plan of reorganization, plan of merger or exchange, resolution of the board of directors, or other instrument pursuant to which the fractional share would otherwise be issued;

(b) Issue such additional fraction of a share as is necessary to increase the fractional share to a full share; or

(c) Sign and deliver registered or bearer scrip over the manual or facsimile signature of an officer of the corporation or of its agent for that purpose, exchangeable as provided on the scrip for full share certificates, but the scrip does not entitle the holder to any rights as a stockholder except as provided on the scrip. The scrip may provide that it becomes void unless the rights of the holders are exercised within a specified period and may contain any other



provisions or conditions that the corporation deems advisable. Whenever any scrip ceases to be exchangeable for full share certificates, the shares that would otherwise have been issuable as provided on the scrip are deemed to be treasury shares unless the scrip contains other provisions for their disposition.

3. ~~Any~~ *If any* proposed corporate action ~~that~~ *pursuant to this section* would result in only money being paid or scrip being issued to stockholders who:

(a) Before the proposed corporate action becomes effective, *in the aggregate* hold 1 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all their outstanding shares,

~~↳ [is subject to] any stockholder who is obligated, as a result of the corporate action taken pursuant to this section, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, may dissent in accordance with the provisions of NRS 92A.300 to 92A.500, inclusive, [If the proposed corporate action is subject to those provisions, any stockholder who is obligated to accept money or scrip rather than receive a fraction of a share resulting from the action taken pursuant to this section may dissent in accordance with those provisions]~~ and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

**Sec. 5.** NRS 78.2055 is hereby amended to read as follows:

78.2055 1. Unless otherwise provided in the articles of incorporation, a corporation that desires to decrease the number of issued and outstanding shares of a class or series held by each stockholder of record at the effective date and time of the change without correspondingly decreasing the number of authorized shares of the same class or series may do so if:

(a) The board of directors adopts a resolution setting forth the proposal to decrease the number of issued and outstanding shares of a class or series; and

(b) The proposal is approved by the vote of stockholders holding a majority of the voting power of the affected class or series, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power of the affected class or series.

2. If the proposal required by subsection 1 is approved by the stockholders entitled to vote, the corporation may reissue its stock in accordance with the proposal after the effective date and time of the change.

3. Except as otherwise provided in this subsection, if a proposed decrease in the number of issued and outstanding shares of any class or series would adversely alter or change any preference, or any relative or other right given to any other class or series of outstanding shares, then the decrease must be approved by the vote, in addition to any vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the decrease, or such greater proportion as may be provided in the articles of incorporation,

regardless of limitations or restrictions on the voting power of the adversely affected class or series. The decrease does not have to be approved by the vote of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the decrease if the articles of incorporation specifically deny the right to vote on such a decrease.

4. ~~Any proposal to decrease the number of issued and outstanding shares of any class or series, if any, that includes provisions pursuant to which~~ ***If any proposed corporate action pursuant to this section would result in only money ~~will be~~ being paid or scrip ~~will be~~ being issued to stockholders who:***

(a) Before the decrease in the number of shares becomes effective, ***in the aggregate*** hold 1 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all their outstanding shares,

~~↪ *is subject to* any stockholder who is obligated, as a result of the corporate action taken pursuant to this section, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, may dissent in accordance with the provisions of NRS 92A.300 to 92A.500, inclusive, ~~↪ If the proposal is subject to those provisions, any stockholder who is obligated to accept money or scrip rather than receive a fraction of a share resulting from the action taken pursuant to this section may dissent in accordance with those provisions~~~~ and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

**Sec. 6.** NRS 78.207 is hereby amended to read as follows:

78.207 1. Unless otherwise provided in the articles of incorporation, a corporation that desires to change the number of shares of a class or series, if any, of its authorized stock by increasing or decreasing the number of authorized shares of the class or series and correspondingly increasing or decreasing the number of issued and outstanding shares of the same class or series held by each stockholder of record at the effective date and time of the change, may, except as otherwise provided in subsections 2 and 3, do so by a resolution adopted by the board of directors, without obtaining the approval of the stockholders. The resolution may also provide for a change of the par value, if any, of the same class or series of the shares increased or decreased. After the effective date and time of the change, the corporation may issue its stock in accordance therewith.

2. A proposal to increase or decrease the number of authorized shares of any class or series, if any, that includes provisions pursuant to which only money will be paid or scrip will be issued to stockholders who:

(a) Before the increase or decrease in the number of shares becomes effective, in the aggregate hold 10 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all their outstanding shares,

↪ must be approved by the vote of stockholders holding a majority of the voting power of the affected class or series, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power thereof.

3. Except as otherwise provided in this subsection, if a proposed increase or decrease in the number of authorized shares of any class or series would adversely alter or change any preference or any relative or other right given to any other class or series of outstanding shares, then the increase or decrease must be approved by the vote, in addition to any vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the increase or decrease, regardless of limitations or restrictions on the voting power thereof. The increase or decrease does not have to be approved by the vote of the holders of shares representing a majority of the voting power in each class or series whose preference or rights are adversely affected by the increase or decrease if the articles of incorporation specifically deny the right to vote on such an increase or decrease.

4. ~~Any proposal to increase or decrease the number of authorized shares of any class or series, if any, that includes provisions pursuant to which~~ **If any proposed corporate action pursuant to this section would result in** only money ~~will be~~ **being** paid or scrip ~~will be~~ **being** issued to stockholders who:

(a) Before the increase or decrease in the number of shares becomes effective, **in the aggregate** hold 1 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all of their outstanding shares,

↪ ~~is subject to~~ **any stockholder who is obligated, as a result of the corporate action taken pursuant to this section, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, may dissent in accordance with** the provisions of NRS 92A.300 to 92A.500, inclusive, ~~If the proposal is subject to those provisions, any stockholder who is obligated to accept money or scrip rather than receive a fraction of a share resulting from the action taken pursuant to this section may dissent in accordance with those provisions~~ and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

**Sec. 7.** NRS 78.288 is hereby amended to read as follows:

78.288 1. Except as otherwise provided in subsection 2 and the articles of incorporation, a board of directors may authorize and the corporation may make distributions to ~~its stockholders,~~ **the holders of any class or series of the corporation's shares**, including distributions on shares that are partially paid.

2. No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) Except as otherwise specifically allowed by the articles of incorporation, the corporation's total assets would be less than the sum of its total liabilities plus the amount that would be needed, if the corporation were to be dissolved ~~at~~ *immediately after* the time of *the* distribution, to satisfy the preferential rights upon *such* dissolution of stockholders whose preferential rights are superior to those receiving the distribution.

3. The board of directors may base a determination that a distribution is not prohibited pursuant to subsection 2 on:

(a) Financial statements prepared on the basis of accounting practices that are reasonable in the circumstances;

(b) A fair valuation, including, but not limited to, unrealized appreciation and depreciation; or

(c) Any other method that is reasonable in the circumstances ~~;~~  
~~→ and if the determination is made upon any of the factors enumerated in this subsection, the determination is presumed to be proper in the absence of actual fraud.]~~

4. The effect of a distribution pursuant to subsection 2 must be measured:

(a) In the case of a distribution by purchase, redemption or other acquisition of the corporation's shares, as of the earlier of:

(1) The date money or other property is transferred or debt incurred by the corporation; or

(2) The date upon which the stockholder ceases to be a stockholder with respect to the acquired shares.

(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed.

(c) In all other cases, as of:

(1) The date the distribution is authorized if the payment occurs within 120 days after the date of authorization; or

(2) The date the payment is made if it occurs more than 120 days after the date of authorization.

5. A corporation's indebtedness to a stockholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general unsecured creditors except to the extent subordinated by agreement.

6. Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations pursuant to subsection 2 if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to stockholders could then be made pursuant to this section. If the indebtedness is issued as a distribution, each payment of principal or interest must be treated as a distribution, the effect of which must be measured on the date the payment is actually made.

7. *This section does not apply to any distribution in liquidation pursuant to NRS 78.590.*

8. *The provisions of chapter 112 of NRS do not apply to any distribution made by a corporation in accordance with this chapter.*

Sec. 8. ~~NRS 78.300 is hereby amended to read as follows:~~

~~78.300 1. The directors of a corporation shall not make distributions to stockholders except as provided by this chapter.~~

~~2. Except as otherwise provided in subsection 3 and NRS 78.138, in case of any violation of the provisions of this section, the directors under whose administration the violation occurred are jointly and severally liable, at any time within 3 years after each violation, to the corporation, and, in the event of its dissolution or insolvency, to its creditors at the time of the violation, or any of them, to the lesser of the full amount of the distribution made or of any loss sustained by the corporation by reason of the distribution to stockholders.~~

~~3. The liability imposed pursuant to subsection 2 does not apply to a director [who]:~~

~~(a) Who caused his or her dissent to be entered upon the minutes of the meeting of the directors at the time the action was taken or who was not present at the meeting and caused his or her dissent to be entered on learning of the action [-]; or~~

~~(b) If a determination that a distribution is not prohibited pursuant to subsection 2 of NRS 78.288 is made upon any of the factors enumerated in subsection 3 of NRS 78.288 and it is not proven that the director had actual knowledge before the distribution was made that the determination was or had become erroneous.] (Deleted by amendment.)~~

Sec. 9. NRS 78.315 is hereby amended to read as follows:

78.315 1. Unless the articles of incorporation or the bylaws provide for a greater or lesser proportion, a majority of the board of directors of the corporation then in office, at a meeting duly assembled, is necessary to constitute a quorum for the transaction of business, and the act of directors holding a majority of the voting power of the directors, present at a meeting at which a quorum is present, is the act of the board of directors.

2. Unless otherwise restricted by the articles of incorporation or bylaws, any action required or permitted to be taken at a meeting of the board of directors or of a committee thereof may be taken without a meeting if, before or after the action, a written consent thereto is signed by all the members of the board or of the committee, except that such written consent is not required to be signed by:

(a) A common or interested director who abstains in writing from providing consent to the action. If a common or interested director abstains in writing from providing consent:

(1) The fact of the common directorship, office or financial interest must be known to the board of directors or committee before a written consent is signed by all the members of the board of the committee.

(2) Such fact must be described in the written consent.

(3) The board of directors or committee must approve, authorize or ratify the action in good faith by unanimous consent without counting the abstention of the common or interested director.

(b) A director who is a party to an action, suit or proceeding who abstains in writing from providing consent to the action of the board of directors or committee. If a director who is a party to an action, suit or proceeding abstains in writing from providing consent on the basis that he or she is a party to an action, suit or proceeding, the board of directors or committee must:

(1) Make a determination pursuant to NRS ~~78.751~~ **78.7502** that indemnification of the director is proper under the circumstances.

(2) Approve, authorize or ratify the action of the board of directors or committee in good faith by unanimous consent without counting the abstention of the director who is a party to an action, suit or proceeding.

3. Unless otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or the governing body of any corporation, or of any committee designated by such board or body, may participate in a meeting of the board, body or committee through electronic communications, videoconferencing, teleconferencing or other available technology if the corporation has implemented reasonable measures to:

(a) Verify the identity of each person participating through such means as a director or member of the governing body or committee, as the case may be; and

(b) Provide the directors or members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the directors or members, as the case may be, including an opportunity to communicate and to read or hear the proceedings of the meeting in a substantially concurrent manner with such proceedings.

4. Participation in a meeting pursuant to subsection 3 constitutes presence in person at the meeting.

**Sec. 10.** NRS 78.320 is hereby amended to read as follows:

78.320 1. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions:

(a) A majority of the voting power, which includes the voting power that is present in person or by proxy, regardless of whether the proxy has authority to vote on ~~all matters,~~ **any matter**, constitutes a quorum for the transaction of business; and

(b) Action by the stockholders on a matter other than the election of directors is approved if the number of votes cast in favor of the action exceeds the number of votes cast in opposition to the action.

2. Unless otherwise provided in the articles of incorporation or the bylaws, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if, before or after the action, a written consent thereto is signed by stockholders holding at least a majority of the voting power, except that if a different proportion of voting power is required for such an action at a meeting, then that proportion of written consents is required.

3. In no instance where action is authorized by written consent need a meeting of stockholders be called or notice given.

4. Unless otherwise restricted by the articles of incorporation or bylaws, stockholders may participate in a meeting of stockholders through electronic communications, videoconferencing, teleconferencing or other available technology if the corporation has implemented reasonable measures to:

(a) Verify the identity of each person participating through such means as a stockholder; and

(b) Provide the stockholders a reasonable opportunity to participate in the meeting and to vote on matters submitted to the stockholders, including an opportunity to communicate, and to read or hear the proceedings of the meetings in a substantially concurrent manner with such proceedings.

5. ~~If authorized in~~ **Unless otherwise restricted by** the articles of incorporation or bylaws, a meeting of stockholders may be held solely by remote communication pursuant to subsection 4.

6. Participation in a meeting pursuant to subsection 4 constitutes presence in person at the meeting.

7. Unless this chapter, the articles of incorporation or the bylaws provide for different proportions, if voting by a class or series of stockholders is permitted or required:

(a) A majority of the voting power of the class or series that is present in person or by proxy, regardless of whether the proxy has authority to vote on all matters, constitutes a quorum for the transaction of business; and

(b) An act by the stockholders of each class or series is approved if a majority of the voting power of a quorum of the class or series votes for the action.

**Sec. 11.** NRS 78.3788 is hereby amended to read as follows:

78.3788 "Issuing corporation" means a corporation, *as of any date*, which is organized in this State and which:

1. Has 200 or more stockholders of record, at least 100 of whom have *had* addresses in this State appearing on the stock ledger of the corporation ~~at~~ **at all times during the 90 days immediately preceding such ~~at~~ date**; and

2. Does business in this State directly or through an affiliated corporation.

**Sec. 12.** NRS 78.390 is hereby amended to read as follows:

78.390 1. Except as otherwise provided in NRS 77.340 ~~or~~ **78.209 or chapter 92A of NRS**, every amendment to the articles of incorporation must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and ~~either call a special meeting of the stockholders entitled to vote on the amendment or direct that~~ **submit** the proposed amendment ~~to be considered at the next annual meeting of~~ **to** the stockholders ~~entitled to vote on the amendment~~ **for approval**.

(b) ~~At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and~~

against the proposed amendment. If it appears upon the canvassing of the votes that ~~that~~ *If* stockholders holding shares in the corporation ~~entitling them to exercise~~ *representing* at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have ~~voted in favor of~~ *approved* the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. Except as otherwise provided in this subsection, if any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then, *in addition to any approval otherwise required*, the amendment must be approved by the ~~[vote, in addition to the affirmative vote otherwise required, of the]~~ holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The amendment does not have to be approved by ~~the vote of~~ the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the right to vote on such an amendment.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, *approval by* a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 is effective at the time of the filing of the certificate with the Secretary of State or upon a later date and time as specified in the certificate, which date must not be more than 90 days after the date on which the certificate is filed. If a certificate filed pursuant to subsection 1 specifies a later effective date but does not specify an effective time, the certificate is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

7. If a certificate filed pursuant to subsection 1 specifies a later effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the



effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

- (a) Is filed before the effective date specified in the certificate filed with the Secretary of State pursuant to subsection 1;
- (b) Identifies the certificate being terminated;
- (c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;
- (d) States that the effectiveness of the certificate has been terminated;
- (e) Is signed by an officer of the corporation; and
- (f) Is accompanied by a filing fee of \$175.

**Sec. 13.** NRS 78.580 is hereby amended to read as follows:

78.580 1. If the board of directors of any corporation organized under this chapter decides that the corporation should be dissolved, the board may adopt a resolution to that effect.

2. If the corporation has issued no stock, only the directors need to approve the dissolution.

3. If the corporation has issued stock, the directors must recommend the dissolution to the stockholders. The board of directors may condition its submission of the proposal for dissolution on any lawful basis. ~~The~~ **Unless the dissolution is to be approved by written consent pursuant to NRS 78.320, the corporation shall notify each stockholder, whether or not entitled to vote on dissolution, of the proposed dissolution and the stockholders entitled to vote must approve the dissolution. If the dissolution is approved by written consent pursuant to subsection 2 of NRS 78.320, the corporation shall notify each stockholder whose written consent was not solicited of the dissolution, in writing, not later than 10 days after the effective date of the dissolution.**

4. If the dissolution is approved by the directors or both the directors and stockholders, as respectively provided in subsections 2 and 3, the corporation shall file with the Secretary of State a certificate signed by an officer of the corporation setting forth that the dissolution has been approved by the directors, or by the directors and the stockholders, and a list of the names and addresses, either residence or business, of the corporation's president, secretary and treasurer, or the equivalent thereof, and all of its directors.

5. The dissolution takes effect at the time of the filing of the certificate of dissolution with the Secretary of State or upon a later date and time as specified in the certificate, which date must be not more than 90 days after the date on which the certificate is filed. If a certificate of dissolution specifies a later effective date but does not specify an effective time, the certificate is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

**Sec. 14.** NRS 78.747 is hereby amended to read as follows:

78.747 1. Except as otherwise **specifically** provided by ~~specific~~ statute ~~or agreement~~, no ~~stockholder, director or officer of~~ **person other than** a corporation is individually liable for a debt or liability of the corporation ~~unless the stockholder, director or officer~~ **person** acts as the alter ego of the corporation.

2. A ~~{stockholder, director or officer}~~ **person** acts as the alter ego of a corporation *only* if:

(a) The corporation is influenced and governed by the ~~{stockholder, director or officer}~~ **person**;

(b) There is such unity of interest and ownership that the corporation and the ~~{stockholder, director or officer}~~ **person** are inseparable from each other; and

(c) Adherence to the ~~{corporate fiction of a separate}~~ **notion of the corporation being an entity separate from the person** would sanction fraud or promote a manifest injustice.

3. The question of whether a ~~{stockholder, director or officer}~~ **person** acts as the alter ego of a corporation must be determined by the court as a matter of law.

**Sec. 15.** NRS 78.7502 is hereby amended to read as follows:

78.7502 1. A corporation may indemnify **pursuant to this subsection** any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, except an action by or in the right of the corporation, by reason of the fact that the person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses, including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with the action, suit or proceeding if the person:

(a) Is not liable pursuant to NRS 78.138; or

(b) Acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe the conduct was unlawful.

↪ The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, does not, of itself, create a presumption that the person is liable pursuant to NRS 78.138 or did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation, or that, with respect to any criminal action or proceeding, he or she had reasonable cause to believe that the conduct was unlawful.

2. A corporation may indemnify **pursuant to this subsection** any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that the person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses, including amounts paid in settlement and attorneys' fees actually

and reasonably incurred by the person in connection with the defense or settlement of the action or suit if the person:

(a) Is not liable pursuant to NRS 78.138; or

(b) Acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation.

↪ Indemnification *pursuant to this section* may not be made for any claim, issue or matter as to which such a person has been adjudged by a court of competent jurisdiction, after exhaustion of ~~all~~ *any* appeals *taken* therefrom, to be liable to the corporation or for amounts paid in settlement to the corporation, unless and only to the extent that the court in which the action or suit was brought or other court of competent jurisdiction determines upon application that in view of all the circumstances of the case, the person is fairly and reasonably entitled to indemnity for such expenses as the court deems proper.

3. ~~{To the extent that}~~ *Any discretionary indemnification pursuant to this section, unless ordered by a court or advanced pursuant to subsection 2 of NRS 78.751, may be made by the corporation only as authorized in each specific case upon a determination that the indemnification of a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections 1 and 2, or in defense of any claim, issue or matter therein, the corporation shall indemnify him or her against expenses, including attorneys' fees, actually and reasonably incurred by him or her in connection with the defense.}* *is proper under the circumstances. The determination must be made by:*

(a) *The stockholders;*

(b) *The board of directors, by majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding; or*

(c) *Independent legal counsel, in a written opinion, if:*

(1) *A majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding so orders; or*

(2) *A quorum consisting of directors who were not parties to the action, suit or proceeding cannot be obtained.*

**Sec. 16.** NRS 78.751 is hereby amended to read as follows:

78.751 1. ~~{Any discretionary indemnification pursuant to NRS 78.7502, unless ordered by a court or advanced pursuant to subsection 2, may be made by the}~~ A corporation ~~{only as authorized in the specific case upon a determination that indemnification of the}~~ *shall indemnify any person who is a director, officer, employee or agent to the extent that the person is {proper in the circumstances. The determination must be made:*

~~—(a) By the stockholders;~~

~~—(b) By the board of directors by majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding;~~

~~—(e) If a majority vote of a quorum consisting of directors who were not parties to the action, suit or proceeding so orders, by independent legal counsel in a written opinion; or~~

~~—(d) If a quorum consisting of directors who were not parties to the action, suit or proceeding cannot be obtained, by independent legal counsel in a written opinion.~~ **successful on the merits or otherwise in defense of:**

**(a) Any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, including, without limitation, an action by or in the right of the corporation, by reason of the fact that the person is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise; or**

**(b) Any claim, issue or matter therein,**  
**↪ against expenses actually and reasonably incurred by the person in connection with defending the action, including, without limitation, attorney's fees.**

2. ~~The~~ **Unless otherwise restricted by the** articles of incorporation, the bylaws or an agreement made by ~~for~~ **the corporation**, the corporation may ~~provide that~~ **pay** the expenses of officers and directors incurred in defending a civil or criminal action, suit or proceeding ~~that must be paid by the corporation~~ as they are incurred and in advance of the final disposition of the action, suit or proceeding, upon receipt of an undertaking by or on behalf of the director or officer to repay the amount if it is ultimately determined by a court of competent jurisdiction that the director or officer is not entitled to be indemnified by the corporation. **The articles of incorporation, the bylaws or an agreement made by the corporation may require the corporation to pay such expenses upon receipt of such an undertaking.** The provisions of this subsection do not affect any rights to advancement of expenses to which corporate personnel other than directors or officers may be entitled under any contract or otherwise by law.

3. The indemnification pursuant to NRS 78.7502 and advancement of expenses authorized in or ordered by a court pursuant to this section:

(a) Does not exclude any other rights to which a person seeking indemnification or advancement of expenses may be entitled under the articles of incorporation or any bylaw, agreement, vote of stockholders or disinterested directors or otherwise, for either an action in the person's official capacity or an action in another capacity while holding office, except that indemnification, unless ordered by a court pursuant to NRS 78.7502 or for the advancement of expenses made pursuant to subsection 2, may not be made to or on behalf of any director or officer ~~if a final adjudication establishes that the director's or officer's acts or omissions involved~~ **finally adjudged by a court of competent jurisdiction, after exhaustion of any appeals taken therefrom, to be liable for intentional misconduct, fraud or a knowing violation of the law**, and **such misconduct, fraud or violation** was material to the cause of action.

*(b) Continues for a person who has ceased to be a director, officer, employee or agent and inures to the benefit of the heirs, executors and administrators of such a person.*

**4. Unless the articles of incorporation, the bylaws or an agreement made by a corporation provide otherwise, if a person is entitled to indemnification or the advancement of expenses from the corporation and any other person, the corporation is the primary obligor with respect to such indemnification or advancement.**

**5. A right to indemnification or to advancement of expenses arising under a provision of the articles of incorporation or any bylaw is not eliminated or impaired by an amendment to such provision after the occurrence of the act or omission that is the subject of the civil, criminal, administrative or investigative action, suit or proceeding for which indemnification or advancement of expenses is sought, unless the provision in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such ~~action~~ act or omission has occurred.**

~~[(b) Continues for a person who has ceased to be a director, officer, employee or agent and inures to the benefit of the heirs, executors and administrators of such a person.]~~

**Sec. 17.** NRS 82.181 is hereby amended to read as follows:

**82.181 1.** A corporation shall keep a copy of the following records at its principal office or with its custodian of records whose name and street address are available at the corporation's registered office:

(a) A copy, certified by the Secretary of State, of its articles and all amendments thereto;

(b) A copy, certified by an officer of the corporation, of its bylaws and all amendments thereto; and

(c) If the corporation has members, a members' ledger or a duplicate members' ledger, revised annually, containing *only* the names, alphabetically arranged, of all persons who are members of the corporation, showing their places of residence, if known, and the class of membership held by each.

**2.** A corporation must maintain the records required by subsection 1 in written form or in another form capable of conversion into written form within a reasonable time.

**3.** A director or any person who has been a member of record of a corporation for at least 6 months, or at least 5 percent of the members of the corporation, upon at least 5 days' written demand, is entitled to inspect in person or by agent or attorney, during usual business hours, the members' ledger or duplicate ledger and to make copies therefrom. ***Every corporation that neglects or refuses to keep the members' ledger or duplicate copy thereof open for inspection, as required by this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.***

**4.** If the records required by subsection 1 are ~~kept outside of~~ ***not made available for inspection at a location within*** this State ~~[-a]~~ ***pursuant to a proper demand pursuant to subsection 3, the*** director or other person ~~is~~ ***entitled***

~~to inspect those records} **demanding the inspection** may serve a demand ~~to inspect the records}~~ upon the corporation's registered agent ~~{}~~ **that the records to be inspected be sent to the demanding director or other person or the agent or attorney thereof.** Upon such a ~~{request,}~~ **demand**, the corporation shall send copies of the requested records ~~{}~~ **required by subsection 1**, either in paper or electronic form, to the director, ~~{or}~~ other person, **agent or attorney** entitled to inspect the requested records within 10 business days after service of the ~~{request}~~ **demand** upon the registered agent. ~~{Every corporation that neglects or refuses to keep the members' ledger or duplicate copy thereof open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.~~~~

~~—4.}~~ **5.** An inspection authorized by subsection 3 **or 4** may be denied to a member or other person upon the refusal of the member or other person to furnish to the corporation an affidavit that the inspection is not desired for any purpose not relating to his or her interest as a member, including, but not limited to, those purposes set forth in subsection ~~{5.}~~

~~—5.}~~ **6.**

**6.** It is a defense to any action to enforce the provisions of this section or for charges, penalties or damages under this section that the person suing has used or intends to use the list for any of the following purposes:

- (a) To solicit money or property from the members unless the money or property will be used solely to solicit the votes of members;
- (b) For any commercial purpose or purpose in competition with the corporation;
- (c) To sell to any person; or
- (d) For any other purpose not related to his or her interest as a member.

~~{6.}~~ **7.** This section does not impair the power or jurisdiction of any court to compel the production for examination of the books of a corporation in any proper case.

~~{7.}~~ **8.** In every instance where an attorney or other agent of the director or member seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the director or member authorizing the attorney or other agent to inspect on behalf of the director or member.

~~{8.}~~ **9.** The right to copy records under subsection 3 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~{9.}~~ **10.** The corporation may impose a reasonable charge, covering costs of labor, materials and copies of any records provided to the member or director.

**Sec. 18.** Chapter 86 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 and 20 of this act.

**Sec. 19. 1.** *Except as otherwise specifically provided by statute or agreement, no person other than the limited-liability company is individually liable for a debt or liability of the limited-liability company unless the person acts as the alter ego of the limited-liability company.*

2. *A person acts as the alter ego of a limited-liability company only if:*

(a) *The limited-liability company is influenced and governed by the person;*

(b) *There is such unity of interest and ownership that the limited-liability company and the person are inseparable from each other; and*

(c) *Adherence to the notion of the limited-liability company being an entity separate from the person would sanction fraud or promote manifest injustice.*

3. *The question of whether a person acts as the alter ego of a limited-liability company must be determined by the court as a matter of law.*

**Sec. 20.** *The duties of a ~~member,~~ manager or ~~officer,~~ managing member of a limited-liability company to the limited-liability company, to any series of the limited-liability company, to any ~~other,~~ member or to another person that is a party to or otherwise bound by the operating agreement are ~~+~~ only:*

1. *The implied contractual covenant of good faith and fair dealing; and*

2. *Such other duties, including, without limitation, fiduciary duties, if any, as are expressly prescribed by the articles of organization or the operating agreement.*

**Sec. 21.** NRS 86.131 is hereby amended to read as follows:

86.131 The provisions of this chapter apply to commerce with foreign nations and among the several states. It is the intention of the Legislature by enactment of this chapter that the legal existence of limited-liability companies formed under this chapter, *and any series thereof*, be recognized beyond the limits of this State and that, subject to any reasonable requirement of registration, any such company transacting business outside this State be granted protection of full faith and credit under Section 1 of Article IV of the Constitution of the United States.

**Sec. 22.** NRS 86.241 is hereby amended to read as follows:

86.241 1. Each limited-liability company shall continuously keep at its principal ~~registered~~ office in this State or with its custodian of records whose name and street address are available at its registered office, unless otherwise provided by an operating agreement, the following:

(a) A current list of the full name and last known business address of each member and manager, separately identifying the members in alphabetical order and the managers, if any, in alphabetical order;

(b) A copy of the filed articles of organization and all amendments thereto, together with signed copies of any powers of attorney pursuant to which any record has been signed; and

(c) Copies of any then effective operating agreement of the company.

2. Each member of a limited-liability company is entitled to obtain from the company, from time to time upon reasonable demand, for any purpose reasonably related to the interest of the member as a member of the company:

- (a) The records required to be maintained pursuant to subsection 1;
- (b) True and, in light of the member's stated purpose, complete records regarding the activities and the status of the business and financial condition of the company;
- (c) Promptly after becoming available, a copy of the company's federal, state and local income tax returns for each year;
- (d) True and complete records regarding the amount of cash and a description and statement of the agreed value of any other property or services contributed by each member and which each member has agreed to contribute in the future, and the date on which each became a member; and
- (e) Other records regarding the affairs of the company as is just and reasonable under the circumstances and in light of the member's stated purpose for demanding such records.

↪ The right to obtain records under this subsection includes, if reasonable, the right to make copies or abstracts by photographic, xerographic, electronic or other means.

3. Each manager of a limited-liability company managed by a manager or managers is entitled to examine from time to time upon reasonable demand, for a purpose reasonably related to the manager's rights, powers and duties as such, the records described in subsection 2.

4. Any demand by a member or manager under subsection 2 or 3 is subject to such reasonable standards regarding at what time and location and at whose expense records are to be furnished as may be set forth in the articles of organization or in an operating agreement adopted or amended as provided in subsection ~~7~~ 8, or, if no such standards are set forth in the articles of organization or operating agreement, the records must be provided or made available for examination, as the case may be, during ordinary business hours, ~~at the office of the company's principal custodian of records or its registered office in this State and~~ at the expense of the demanding member or manager.

5. If ~~such~~ **the records are maintained outside of** *subject to a demand pursuant to subsection 2 or 3 are not available to obtain or made available for examination, as applicable, at a location within* this State ~~upon a reasonable demand made pursuant to subsection 2 or 3,~~ the manager or member may serve a demand ~~for the records~~ upon the limited-liability company's registered agent ~~that the records to be obtained or examined be sent to the demanding manager or member.~~ Upon ~~receipt of~~ such a demand, the limited-liability company shall send copies of the requested records ~~described in subsection 2~~ either in paper or electronic form to the manager or member within 10 business days after the demand is served upon the registered agent.

~~5~~ 6. Any demand by a member or manager under this section must be in writing and must state the purpose of such demand. When a demanding member seeks to obtain or a manager seeks to examine the records described in subsection 2, the demanding member or manager must first establish that:



(a) The demanding member or manager has complied with the provisions of this section respecting the form and manner of making a demand for obtaining or examining such records; and

(b) The records sought by the demanding member or manager are reasonably related to the member's interest as a member or the manager's rights, powers and duties as a manager, as the case may be.

~~6.7~~ 7. In every instance where an attorney or other agent of a member or manager seeks to exercise any right arising under this section on behalf of such member or manager, the demand must be accompanied by a power of attorney signed by the member or manager authorizing the attorney or other agent to exercise such rights on behalf of the member or manager.

~~7.7~~ 8. The rights of a member to obtain or a manager to examine records as provided in this section may be restricted or denied entirely in the articles of organization or in an operating agreement adopted by all of the members or by the sole member or in any subsequent amendment adopted by all of the members at the time of amendment.

**Sec. 23.** NRS 86.281 is hereby amended to read as follows:

86.281 A limited-liability company organized and existing pursuant to this chapter, *or any series thereof*, may exercise the powers and privileges granted by this chapter and may:

1. Sue and be sued, complain and defend, in its name;
2. Purchase, take, receive, lease or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or an interest in it, wherever situated;
3. Sell, convey, mortgage, pledge, lease, exchange, transfer and otherwise dispose of all or any part of its property and assets;
4. Lend money to and otherwise assist its members;
5. Purchase, take, receive, subscribe for or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge or otherwise dispose of, and otherwise use and deal in and with shares, member's interests or other interests in or obligations of domestic or foreign limited-liability companies, domestic or foreign corporations, joint ventures or similar associations, general or limited partnerships or natural persons, or direct or indirect obligations of the United States or of any government, state, territory, governmental district or municipality or of any instrumentality of it;
6. Make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the company may determine, issue its notes, bonds and other obligations and secure any of its obligations by mortgage or pledge of all or any part of its property, franchises and income;
7. Lend, invest and reinvest its money and take and hold real property and personal property for the payment of money so loaned or invested;
8. Conduct its business, carry on its operations and have and exercise the powers granted by this chapter in any state, territory, district or possession of the United States, or in any foreign country;

9. Appoint managers and agents, define their duties and fix their compensation;

10. Cease its activities and ~~its articles of organization;~~ **terminate its existence in accordance with this chapter;**

11. Exercise all powers necessary or convenient to effect any of the purposes for which the company *or series* is organized; and

12. Hold a license issued pursuant to the provisions of chapter 463 of NRS.

**Sec. 24.** NRS 86.301 is hereby amended to read as follows:

86.301 Except as otherwise provided in this chapter, ~~its~~ **the** articles of organization or ~~its~~ **the** operating agreement, no debt may be contracted or liability incurred by or on behalf of a limited-liability company ~~it~~ **or any series thereof** except by:

1. One or more managers of a company *or series* which is managed by a manager or managers;

2. Any member of a company *or series* which is managed by its members;

3. Any agent, officer, employee or other representative of the company *or series, as* authorized in the operating agreement or in another writing by a manager or managers, if the company *or series* is managed by a manager or managers; or

4. Any agent, officer, employee or other representative of the company *or series* authorized in the operating agreement or in another writing by a member ~~it~~ **thereof**, if the company *or series* is managed by its members.

**Sec. 25.** NRS 86.321 is hereby amended to read as follows:

86.321 The contributions to capital of a member to a limited-liability company *or series* may be in cash, property or services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services.

**Sec. 26.** NRS 86.531 is hereby amended to read as follows:

86.531 1. Except in the case of a dissolution pursuant to NRS 86.490, as soon as practicable after the dissolution of a limited-liability company, articles of dissolution must be prepared and signed setting forth:

(a) The name of the limited-liability company;

(b) That the company has been ~~for will be~~ dissolved; and

(c) The effective date and time of the dissolution, which may not be later than the effective date and time of the articles of dissolution.

2. The articles of dissolution must be signed by:

(a) A manager of the company, if management of the company is vested in a manager;

(b) A member of the company, if management of the company is not vested in a manager; or

(c) The personal representative of the last remaining member, if there is no remaining manager or member, unless otherwise provided in the articles of organization or operating agreement.

Sec. 27. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Unless otherwise expressly required by the articles of incorporation, no vote of the stockholders of a publicly traded corporation is necessary to authorize a merger in which the publicly traded corporation is a constituent entity if ~~it~~*

~~(a) The~~ *the plan of merger expressly permits or requires the merger to be effected under this section ~~it~~*

~~(b) and:~~

~~(a) The ownership threshold requirement is satisfied ~~it~~~~ *without any offer, subject to the provisions of subsection 2; ~~and~~*

~~(c) or~~

~~(b) The ownership threshold requirement is satisfied in whole or in part by way of an offer and the plan of merger requires that:~~

~~(1) The merger must be effected as soon as practicable following the consummation of the offer if the merger is effected under this section; and~~

~~(2) Each outstanding share of each class or series of stock of the publicly traded corporation that is the subject of, and not irrevocably accepted for purchase or exchange in, the offer must be converted in such merger into, or into the right to receive, the same amount and kind of cash, property, rights or securities to be paid for shares of such class or series of stock of the publicly traded corporation irrevocably accepted for purchase or exchange in the offer. The plan of merger may expressly provide that the requirements of this subparagraph must not apply to specified categories of excluded shares.~~

2. *If a merger pursuant to this section is to be effectuated without any offer:*

*(a) The ownership threshold requirement must be satisfied without counting the voting power of any shares of the stock of the publicly traded corporation acquired from the publicly traded corporation, or any of the directors, officers, affiliates or associates thereof, within the 6 months immediately preceding the adoption of the plan of merger; and*

*(b) The publicly traded corporation must provide notice of the merger to all of its stockholders not less than 30 days before the effective date of the merger.*

3. *This section does not apply to circumvent or contravene the provisions of NRS 78.378 to 78.3793, inclusive, or NRS 78.411 to 78.444, inclusive.*

4. *As used in this section:*

*(a) "Affiliate" has the meaning ascribed to it in NRS 78.412.*

*(b) "Associate" has the meaning ascribed to it in NRS 78.413.*

*(c) "Consummation" means the irrevocable acceptance for purchase or exchange of shares tendered pursuant to an offer.*

*(d) "Excluded shares" means:*

*(1) Rollover shares; and*

(2) *Shares of the publicly traded corporation that are owned beneficially or of record at the commencement of an offer by:*

(I) *The publicly traded corporation;*

(II) *The constituent entity making the offer;*

(III) *Any person who owns, directly or indirectly, all of the outstanding equity interests of the constituent entity making the offer; or*

(IV) *Any direct or indirect wholly owned subsidiary of any of the foregoing.*

(e) *“Offer” means an offer made by the other constituent entity in the merger for all of the outstanding shares of each class or series of stock of the publicly traded corporation listed on a national securities exchange, on the terms provided in the plan of merger that, absent this section, would be entitled to vote on the adoption of the plan of merger. The other constituent entity in the merger may, but is not required to, engage in the consummation of separate offers for separate classes or series of the stock of the publicly traded corporation. An offer may, but is not required to:*

(1) *Exclude any excluded shares; and*

(2) *Be conditioned on the tender of a minimum number or proportion of shares of any class or series of the stock of the publicly traded corporation.*

(f) *“Owned affiliate” means, with respect to a constituent entity, any other person who owns, directly or indirectly, all of the outstanding equity interests of the constituent entity, or any direct or indirect wholly owned subsidiary of the constituent entity or other person.*

(g) *“Ownership threshold requirement” means that the voting power of the stock of the publicly traded corporation otherwise owned beneficially or of record by the other constituent entity in the merger or any of the owned affiliates of the other constituent entity, together with the voting power of any rollover shares and any shares irrevocably accepted for purchase or exchange pursuant to any offer and received before the expiration of the offer by the agent or depositary appointed to facilitate the consummation of the offer, equals at least that proportion of the voting power of the stock, and of each class or series thereof, of the publicly traded corporation that, absent this section, would be required to approve the plan of merger under this chapter and the articles of incorporation and bylaws of the publicly traded corporation. For the purposes of this paragraph, shares are received:*

(1) *If the shares are certificated shares, upon physical receipt by the agent or depositary of a stock certificate with an executed letter of transmittal or other instrument of transfer;*

(2) *If the shares are uncertificated shares held of record by a clearing corporation as nominee, upon transfer into the account of the agent or depositary by way of an agent’s message; and*

(3) *If the shares are uncertificated shares held of record by a person other than a clearing corporation as nominee, upon physical receipt by the agent or depositary of an executed letter of transmittal or other instrument of transfer.*

(h) *“Publicly traded corporation” means a domestic corporation that has a class or series of voting shares which is a covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended.*

(i) *“Rollover shares” means any shares of any class or series of the capital stock of the publicly traded corporation that are the subject of a written agreement requiring such shares to be contributed or otherwise transferred to the other constituent entity in the merger or any of the owned affiliates of the other constituent entity in exchange for shares or other equity interest in the other constituent entity or any of its owned affiliates. Shares must cease to be rollover shares if, as of the effective time of the merger, the shares have not been contributed or otherwise transferred pursuant to the written agreement.*

**Sec. 28.** NRS 92A.380 is hereby amended to read as follows:

92A.380 1. Except as otherwise provided in NRS 92A.370 and 92A.390 and subject to the limitation in paragraph (f), any stockholder is entitled to dissent from, and obtain payment of the fair value of the stockholder’s shares in the event of any of the following corporate actions:

(a) Consummation of a plan of merger to which the domestic corporation is a constituent entity:

(1) If approval by the stockholders is required for the merger by NRS 92A.120 to 92A.160, inclusive, or the articles of incorporation, regardless of whether the stockholder is entitled to vote on the plan of merger; ~~or~~

(2) If the domestic corporation is a subsidiary and is merged with its parent pursuant to NRS 92A.180 ~~or~~; *or*

**(3) *The domestic corporation is a constituent entity in a merger pursuant to section 27 of this act.***

(b) Consummation of a plan of conversion to which the domestic corporation is a constituent entity as the corporation whose subject owner’s interests will be converted.

(c) Consummation of a plan of exchange to which the domestic corporation is a constituent entity as the corporation whose subject owner’s interests will be acquired, if the stockholder’s shares are to be acquired in the plan of exchange.

(d) Any corporate action taken pursuant to a vote of the stockholders to the extent that the articles of incorporation, bylaws or a resolution of the board of directors provides that voting or nonvoting stockholders are entitled to dissent and obtain payment for their shares.

(e) Accordance of full voting rights to control shares, as defined in NRS 78.3784, only to the extent provided for pursuant to NRS 78.3793.

(f) Any corporate action not described in this subsection ~~that will result in~~ ***pursuant to which*** the stockholder ~~receiving~~ ***would be obligated, as a result of the corporate action, to accept*** money or scrip ~~instead of~~ ***rather than receive*** a fraction of a share ***in exchange for the cancellation of all the stockholder’s outstanding shares,*** except where the stockholder would not be

entitled to receive such payment pursuant to NRS 78.205, 78.2055 or 78.207. A dissent pursuant to this paragraph applies only to the fraction of a share, and the stockholder is entitled only to obtain payment of the fair value of the fraction of a share.

2. A stockholder who is entitled to dissent and obtain payment pursuant to NRS 92A.300 to 92A.500, inclusive, ~~may~~ **must** not challenge the corporate action creating the entitlement unless the action is unlawful or ~~fraudulent with respect to~~ **constitutes or is the result of actual fraud against** the stockholder or the domestic corporation.

3. Subject to the limitations in this subsection, from and after the effective date of any corporate action described in subsection 1, no stockholder who has exercised the right to dissent pursuant to NRS 92A.300 to 92A.500, inclusive, is entitled to vote his or her shares for any purpose or to receive payment of dividends or any other distributions on shares. This subsection does not apply to dividends or other distributions payable to stockholders on a date before the effective date of any corporate action from which the stockholder has dissented. If a stockholder exercises the right to dissent with respect to a corporate action described in paragraph (f) of subsection 1, the restrictions of this subsection apply only to the shares to be converted into a fraction of a share and the dividends and distributions to those shares.

**Sec. 29.** NRS 92A.390 is hereby amended to read as follows:

92A.390 1. There is no right of dissent ~~[with respect to a plan of merger, conversion or exchange]~~ **pursuant to paragraph (a), (b), (c) or (f) of subsection 1 of NRS 92A.380** in favor of stockholders of any class or series which is:

(a) A covered security under section 18(b)(1)(A) or (B) of the Securities Act of 1933, 15 U.S.C. § 77r(b)(1)(A) or (B), as amended;

(b) Traded in an organized market and has at least 2,000 stockholders and a market value of at least \$20,000,000, exclusive of the value of such shares held by the corporation's subsidiaries, senior executives, directors and beneficial stockholders owning more than 10 percent of such shares; or

(c) Issued by an open end management investment company registered with the Securities and Exchange Commission under the Investment Company Act of 1940, 15 U.S.C. §§ 80a-1 et seq., as amended, and which may be redeemed at the option of the holder at net asset value,

↪ unless the articles of incorporation of the corporation issuing the class or series or the resolution of the board of directors approving the plan of merger, conversion or exchange expressly provide otherwise.

2. The applicability of subsection 1 must be determined as of:

(a) The record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting of stockholders to act upon the corporate action requiring dissenter's rights; or

(b) The day before the effective date of such corporate action if there is no meeting of stockholders.

3. Subsection 1 is not applicable and dissenter's rights are available pursuant to NRS 92A.380 for the holders of any class or series of shares who are required by the terms of the corporate action ~~requiring dissenter's rights~~ to accept for such shares anything other than ~~cash or shares of any class or any series of shares of any corporation, or any~~ :

(a) *Cash*;

(b) *Any security or other proprietary interest of any other entity, including, without limitation, shares, equity interests or contingent value rights*, that satisfies the standards set forth in subsection 1 at the time the corporate action becomes effective ~~+~~; *or*

(c) *Any combination of paragraphs (a) and (b)*.

4. There is no right of dissent for any holders of stock of the surviving domestic corporation if the plan of merger does not require action of the stockholders of the surviving domestic corporation under NRS 92A.130.

5. There is no right of dissent for any holders of stock of the parent domestic corporation if the plan of merger does not require action of the stockholders of the parent domestic corporation under NRS 92A.180.

**Sec. 30.** NRS 92A.410 is hereby amended to read as follows:

92A.410 1. If a proposed corporate action creating dissenter's rights is submitted to a vote at a stockholders' meeting, the notice of the meeting must state that stockholders are, are not or may be entitled to assert dissenter's rights under NRS 92A.300 to 92A.500, inclusive. If the domestic corporation concludes that dissenter's rights are or may be available, a copy of NRS 92A.300 to 92A.500, inclusive, must accompany the meeting notice sent to those ~~record~~ stockholders *of record* entitled to exercise dissenter's rights.

2. If the corporate action creating dissenter's rights is taken by written consent of the stockholders or without a vote of the stockholders, the domestic corporation shall notify in writing all stockholders *of record* entitled to assert dissenter's rights that the action was taken and send them the dissenter's notice described in NRS 92A.430.

**Sec. 31.** The amendatory provisions of section 20 of this act apply to a limited-liability company ~~organized in this State~~; **that filed its original articles of organization:**

1. On or after October 1, 2019, ~~pursuant to the provisions of chapter 86 of NRS; and~~; *or*

2. Before October 1, 2019, if the limited-liability company ~~expressly~~ :

**(a) Voluntarily elects to accept be governed by the provisions of section 20 of this act pursuant to an amendment to its articles of organization enacted in accordance with NRS 86.216 or 86.221;** *or*

**(b) Was managed by a sole member before October 1, 2019, and:**

**(1) Becomes managed by one or more managers on or after October 1, 2019; or**

**(2) Admits one or more additional members on or after October 1, 2019.**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 104.

SUMMARY—Makes an appropriation for a feasibility study ~~relating to further~~ **of the** development of ~~a museum at~~ **the historic structures, buildings and other property and any artifact resources of** the Nevada State Prison. (BDR S-535)

AN ACT **relating to the Nevada State Prison;** making an appropriation to the Division of Museums and History of the Department of Tourism and Cultural Affairs to complete a feasibility study ~~for~~ **of the historic structures, buildings and other property and any artifact resources of the Nevada State Prison for use as a historic, cultural, educational and scientific resource, including use as a museum ;** ~~at the Nevada State Prison;~~ requiring **the submission of** a report of the ~~study findings and recommendations~~ **results of the feasibility study to the Director of the Legislative Counsel Bureau for transmission** to the 81st Session of the Nevada Legislature; and providing other matters properly relating thereto.

#### Legislative Counsel's Digest:

Under existing law, the ~~Division of Museums and History of~~ **State Land Registrar is required to determine, in consultation with** the Department of Tourism and Cultural Affairs, ~~working with~~ the Nevada State Prison Preservation Society, local government and other state agencies, ~~has been directed to study and develop a museum to preserve and develop the historic~~ **which** structures, buildings and other property ~~at~~ **of** the Nevada State Prison **are appropriate for administration** as a historical, cultural, educational and scientific ~~destination~~ **resource.** (NRS 321.004 ) ~~381.239, 381.243; chapter 28, Statutes of Nevada 2013, at p. 75~~) This bill ~~provides~~ **makes** an appropriation to **the Division of Museums and History of the Department of Tourism and Cultural Affairs to** complete a feasibility study ~~for~~ **of the project and** **development of the historic structures, buildings and other property and any artifact resources of the Nevada State Prison for use as a historic, cultural, educational and scientific resource, including, without limitation, use as a museum. This bill additionally** requires the submission of a report ~~on~~ **of** the ~~findings and recommendations~~ **results of the completed feasibility** study to the **Director of the Legislative Counsel Bureau for transmission to the** 81st Session of the Nevada Legislature.



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

**Section 1.** 1. There is hereby appropriated from the State General Fund to the Division of Museums and History of the Department of Tourism and Cultural Affairs the sum of \$250,000 to complete a feasibility study of the development of **the historic structures, buildings and other property and any artifact resources of the Nevada State Prison for use as a historic, cultural, educational and scientific resource, including, without limitation, use as** a museum **located** at the Nevada State Prison.

2. In consultation with the Nevada State Prison Preservation Society, the Division shall develop contracts and select one or more consultants to complete the feasibility study.

3. The study must include:

(a) An evaluation of the ~~the Nevada State Prison~~ **historic structures, buildings and other property and any artifact resources of the Nevada State Prison available for the use as a historic, cultural, educational and scientific resource, including, without limitation, use as a** museum;

(b) A marketing analysis;

(c) A client and audience analysis; and

(d) An interpretive plan.

**Sec. 2.** On or before January 1, 2021, the Division shall present a report of the results of the feasibility study conducted pursuant to section 1 of this act, including, without limitation, any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmission to the 81st Session of the Nevada Legislature.

**Sec. 3.** Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

**Sec. 4.** This act becomes effective on July 1, 2019.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 216.

Bill read second time.

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

Amendment No. 68.

ASSEMBLYMEN TOLLES, THOMPSON, LEAVITT, KRAMER; ASSEFA, BACKUS, BILBRAY-AXELROD, CARRILLO, DURAN, FUMO, GORELOW, HAFEN, HARDY, MUNK, NGUYEN AND YEAGER

JOINT SPONSORS: SENATORS HARDY; PICKARD AND SEEVERS GANSERT

SUMMARY—Requires the establishment of a database of information relating to funding opportunities for higher education, vocational training and career advancement. (BDR 18-858)

AN ACT relating to higher education; requiring the State Treasurer to establish a database of information relating to sources of funding for higher education, vocational training and career advancement; requiring the Attorney General to establish a program to connect victims of certain crimes with the database; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

The Nevada Constitution requires the State Treasurer to perform such duties as may be prescribed by law. (Nev. Const. Art. 5, § 22) This bill requires the State Treasurer to establish a statewide database containing information relating to sources of funding for higher education, vocational training and career advancement opportunities. This bill requires the database to include certain information about each source of funding listed in the database. This bill further requires the State Treasurer to make the database publicly available on its Internet website and to establish certain means of communication to disseminate and explain the information in the database. This bill also requires the Attorney General to establish a program to connect victims of domestic violence and human trafficking with the information contained in the database. Finally, this bill authorizes both the State Treasurer and the Attorney General to accept any gift, donation, bequest, grant or other source of money to establish and maintain the database and pilot program.

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

**Section 1.** Chapter 226 of NRS is hereby amended by adding thereto a new section to read as follows:

**1.** *The State Treasurer shall create and maintain a statewide database of sources of financial assistance for persons pursuing higher education, vocational training or career advancement.*

**2.** *The database must include, without limitation:*

*(a) A list of any program, scholarship, grant, student loan or other form of financial assistance for individuals seeking to pursue higher education, vocational training or career advancement;*

*(b) The contact information of each person or entity responsible for the administration of each program, scholarship, grant, student loan or other form of financial assistance listed in the database; and*

*(c) The demographic requirements, if any, including, without limitation, age, race and ethnicity, household size, employment status or household*

*income, for participation in each program, scholarship, grant, student loan or other form of financial assistance listed in the database.*

**3. The State Treasurer:**

*(a) Shall make the database publicly available on an Internet website maintained by the State Treasurer.*

*(b) Shall establish a toll-free telephone number and a means of electronic communication via the Internet website to assist in the dissemination and explanation of the information contained in the database and any other information regarding sources of financial assistance for pursuing higher education, vocational training and career advancement.*

*(c) May employ such staff as the State Treasurer deems necessary to maintain, support and promote the use of the database.*

*(d) May accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out the provisions of this section.*

**4. The Attorney General shall establish a program to market and conduct outreach to victims of domestic violence or human trafficking to connect such victims with the information contained in the database maintained by the State Treasurer pursuant to this section. The Attorney General may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out the provisions of this act.**

**Sec. 2.** This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 45.

AN ACT relating to gaming; authorizing certain persons who are under 21 years of age to be employed as gaming employees under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law: (1) prohibits a person who is under 21 years of age from being employed as a gaming employee, except in a counting room; and (2) provides that a licensee who violates or permits the violation of this prohibition is guilty of a misdemeanor. (NRS 463.350) Existing law also establishes the age of majority in Nevada, which is the age at which a person is legally considered an adult and may enter into a valid contract, as: (1) 18 years of age; or (2) 16 years of age if the person is married or living apart from his or her parents or legal guardian and has been declared emancipated by a court. (NRS 129.010)

This bill authorizes a person who is of the age of majority to be employed as a gaming employee by a licensed manufacturer or distributor **at the**

**business premises of the licensed manufacturer or distributor** under certain circumstances.

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

**Section 1.** NRS 463.350 is hereby amended to read as follows:

463.350 1. A person under the age of 21 years shall not:

(a) Play, be allowed to play, place wagers at, or collect winnings from, whether personally or through an agent, any gambling game, slot machine, race book, sports pool or pari-mutuel operator.

(b) Loiter, or be permitted to loiter, in or about any room or premises wherein any licensed game, race book, sports pool or pari-mutuel wagering is operated or conducted.

(c) ~~Be~~ *Except as otherwise provided in subsection 2, be* employed as a gaming employee ~~if~~ except in a counting room.

2. *A person who is of the age of majority as provided in NRS 129.010 may be employed as a gaming employee by a licensed manufacturer or distributor at the business premises of the licensed manufacturer or distributor if the employee : ~~is, while on the business premises.~~*

*(a) Designs, develops, programs, produces or composes a control program or other software, source language or executable code of a gaming device, associated equipment or a gaming support system, subject to peer review and change management procedures adopted by the licensee;*

*(b) Fabricates or assembles the components of a gaming device, associated equipment or a gaming support system; or*

*(c) Installs, modifies, repairs or maintains a gaming device, associated equipment or a gaming support system.*

3. Any licensee, employee, dealer or other person who violates or permits the violation of any of the provisions of this section and any person ~~if~~ *who is* under 21 years of age ~~if~~ *or not eligible to be employed as a gaming employee pursuant to subsection 2* who violates any of the provisions of this section is guilty of a misdemeanor.

~~if~~ **4.** In any prosecution or other proceeding for the violation of any of the provisions of this section, it is no excuse for the licensee, employee, dealer or other person to plead that he or she believed the person to be 21 years old or over ~~if~~ *or to be eligible to be employed as a gaming employee pursuant to subsection 2.*

**Sec. 2.** This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:  
Amendment No. 19.

AN ACT relating to specialty courts; revising provisions relating to the eligibility of certain defendants for participation in certain programs in specialty courts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a district court, justice court or municipal court to place certain defendants who are veterans or members of the military on probation upon terms and conditions that must include attendance and successful completion of an appropriate program for the treatment of such defendants. However, the court may not assign a defendant to such a program without the prosecuting attorney stipulating to the assignment if: (1) the offense committed by the defendant involved the use or threatened use of force or violence; or (2) the defendant was previously convicted of a felony that involved the use or threatened use of force or violence. (NRS 176A.290) Existing law also contains a similar provision relating to the eligibility of defendants for assignment to a program for defendants with mental illness or intellectual disabilities. (NRS 176A.260)

The Nevada Supreme Court has held that subsection 2 of NRS 176A.290, which provides that the court may not assign a defendant who is a veteran or member of the military to a program without the prosecuting attorney stipulating to the assignment, violates the separation of powers clause in the Nevada Constitution. (*State v. Hearn*, 134 Nev. Adv. Op. 96 (2018)) The Court further held that the language providing for such a stipulation by the prosecuting attorney is severable from the statute, thereby rendering all defendants who committed a violent offense or who have previously been convicted of a violent felony ineligible for assignment to the program. (*Id.* at 10)

**Sections 2 and 3** of this bill, which pertain to the eligibility for assignment to the program for defendants who are veterans or members of the military: (1) remove the language in the statute found unconstitutional by the Nevada Supreme Court that requires the stipulation by the prosecuting attorney before the court may assign to the program a defendant who committed a violent offense or who has previously been convicted of a violent felony; and (2) provide that a defendant who has committed a category A felony is ineligible for assignment to the program.

**Section 1** of this bill, which pertains to a program of treatment for defendants with mental illness or intellectual disabilities, makes a similar change as in **sections 2 and 3**.

**Section 2 also removes the provision in existing law that makes a defendant who has previously been assigned to the program ineligible for assignment to the program, thereby making such a defendant eligible for assignment to the program.**

**Section 4** of this bill makes conforming changes.

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

**Section 1.** NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subsection 2, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250.

2. ~~If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.~~ ***is a category A felony, the defendant is not eligible for assignment to the program.***

3. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

4. Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

**Sec. 2.** NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if: ~~the defendant;~~

(a) ~~Has~~ ***The offense committed by the defendant was a category A felony;***

~~(b) The defendant has previously been assigned to such a program;~~ The offense committed by the defendant was a category A felony; or

~~(b) Was~~

~~(e)~~ The defendant was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) ~~((e))~~ of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

**Sec. 3.** NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 176A.287, if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court, justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. ~~If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.~~

~~3.~~ Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~4-1~~ **3.** Except as otherwise provided in subsection ~~5-1~~ **4**, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

~~5-1~~ **4.** If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

**Sec. 4.** NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable,



shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in ~~subsection 5 of~~ NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant discharged or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

**Sec. 5. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.**

**Sec. 6. This act becomes effective upon passage and approval.**

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read Yeager time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 46.

SUMMARY—Prohibits any person from requiring **or authorizing** another person to undergo implantation of a microchip or other permanent identification marker ~~+~~ **under certain circumstances.** (BDR 15-25)

AN ACT relating to crimes; prohibiting any person from requiring **or authorizing** another person to undergo implantation of a microchip or other permanent identification marker ~~+~~ **under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill prohibits an officer or employee of this State or any political subdivision thereof or any other person from **: (1) requiring another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature.++ : (2) establishing a program that authorizes**

a person to voluntarily elect to undergo the implantation of such a microchip or permanent identification marker; or (3) participating in a program established by another person, if the program authorizes a person to voluntarily elect to undergo the implantation of such a microchip or permanent identification marker. This bill also ~~provides that each day or part of a day during which a violation of such a provision is continued or repeated constitutes a separate offense.~~ defines “microchip” for the purposes of this bill.

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

**Section 1.** Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An officer or employee of this State or any political subdivision thereof or any other person shall not ~~require~~:*

*(a) Require another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature ~~or~~;*

*(b) Establish a program that authorizes a person to voluntarily elect to undergo the implantation of a microchip or other permanent identification marker of any kind or nature; or*

*(c) Participate in a program established by another person, if the program authorizes a person to voluntarily elect to undergo the implantation of a microchip or other permanent identification marker of any kind or nature.*

*2. A person who violates the provisions of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

*3. ~~Each day or part of a day during which a violation of this section is continued or repeated constitutes a separate offense.~~ As used in this section:*

*(a) “Microchip” means a device that is subcutaneously implanted in a person and that is passively or actively capable of transmitting personal information to another device using radio frequency technology.*

*(b) The term does not include a device that is subcutaneously implanted in a person, if the device:*

*(1) Is incapable of passively or actively transmitting personal information to another device using radio frequency technology and the device:*

*(I) Is used for the purpose of self-expression; or*

*(II) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; or*

*(2) Is capable of passively or actively transmitting personal information to another device using radio frequency technology and the device:*

*(I) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; and*

*(II) Only transmits such information as is necessary to carry out the diagnosis, monitoring, treatment or prevention of the health condition.*

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

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

Amendment No. 69.

~~Assemblywoman~~ **Assemblymen Swank; Bilbray-Axelrod, Carrillo and Leavitt**

AN ACT relating to historic preservation; providing a procedure for the governing body of a county or city to designate a historic neighborhood; clarifying the authority of the Office of Historic Preservation of the State Department of Conservation and Natural Resources to include landmarks in its list of historic places that are eligible for listing in the State Register of Historic Places; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, local governmental entities in a county whose population is 700,000 or more (currently Clark County) are required to address the preservation of historic neighborhoods in their land use plans and regulations. (NRS 268.190, 278.02528, 278.150, 278.160, 278.170, 278.250) Existing law defines a historic neighborhood as a subdivided or developed area which: (1) consists of at least 10 residential dwelling units, of which two-thirds are 40 or more years of age; and (2) has been identified by the governing body of the county or city within which the area is located as having a distinctive character or traditional quality distinguishable from the surrounding area. (NRS 278.0153) **Section 1** of this bill provides a procedure for a governing body of any county or city to designate a historic neighborhood, including a requirement that the governing body hold a public hearing before designating an area as a historic neighborhood. This procedure is modeled on the procedure in existing law for the establishment of a historic district. (NRS 384.005) The criteria to be used to determine whether to designate an area as a historic neighborhood is moved from the definition of "historic neighborhood" in **section 3** of this bill to **section 1**. **Sections 2, 4, 5 and 8** of this bill make conforming changes.

Existing law requires the Office of Historic Preservation of the State Department of Conservation and Natural Resources to: (1) prepare and maintain the State Register of Historic Places; (2) establish procedures, qualifications and standards for listing historic places in the State Register; and (3) prepare a list of sites, structures, objects and districts on public and private land that are eligible for inclusion in the State Register. (NRS 383.085) **Section 12** of this bill clarifies that a landmark is a site, building, structure or object

that is eligible for inclusion in the State Register. Sections 6, 7 and 9-11 of this bill make conforming changes.

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

**Section 1.** Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A governing body may designate a historic neighborhood in a county or city for the purpose of promoting the educational, cultural, economic and general welfare of the public through the preservation and protection of sites, buildings, structures and areas of historic interest. To be eligible for designation as a historic neighborhood, an area must:*

*(a) Be subdivided or developed and consist of 10 or more residential dwelling units, of which at least two-thirds of such units must be 40 or more years of age; and*

*(b) Have been identified by the governing body as having a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity. Such a character or quality may include, without limitation:*

*(1) Significance to the cultural, social, political or economic history of the area in which it is located;*

*(2) Association with a significant person, group or event in local, state or national history;*

*(3) Representation of an established and familiar visual feature of an area because of its location, design, architecture or singular physical appearance; or*

*(4) Meeting the criteria for eligibility for listing on the State or National Register of Historic Places.*

*2. Before designating a historic neighborhood, the governing body shall hold a public hearing ~~after giving notice~~ Notice of the time and the place of the hearing, in a newspaper of general circulation in that county or city. The notice must be published once a week for 3 consecutive weeks and include the purpose of the hearing and the boundaries of the proposed historic neighborhood ~~and~~ must be posted in a manner that, at a minimum, satisfies the requirements of subsection 3 of NRS 241.020. At the hearing, any person may appear in support of or in opposition to the establishment of the proposed historic neighborhood.*

*3. Within 15 days after the hearing, the governing body shall:*

*(a) Designate the historic neighborhood and fix its boundaries; or*

*(b) Determine not to establish the historic neighborhood.*

*4. An ordinance under which a historic neighborhood is designated must, without limitation:*

*(a) Contain criteria which substantially achieve the preservation and protection of sites, buildings and structures of historic significance to the historic neighborhood; and*

*(b) Provide for a designated review board with the power to review proposed alterations to buildings and structures within the historic neighborhood.*

*5. If a historic neighborhood is designated, the governing body may adopt any other ordinances that it determines are in the best interest of the historic neighborhood in accordance with the purposes expressed in subsection 1.*

**Sec. 2.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 278.0153 is hereby amended to read as follows:

278.0153 “Historic neighborhood” means ~~“a subdivided or developed”~~ **an** area ~~“:~~

- ~~—1. Which consists of 10 or more residential dwelling units;~~
- ~~—2. Where at least two thirds of the residential dwelling units are 40 or more years of age; and~~
- ~~—3. Which has been identified by the governing body of the city or county within which the area is located as having a distinctive character or traditional quality that can be distinguished from surrounding areas or new developments in the vicinity. Distinguishing characteristics of a historic neighborhood may include, without limitation:~~
  - ~~—(a) Significance to the cultural, social, political or economic history of the area in which it is located;~~
  - ~~—(b) Association with a significant person, group or event in local, state or national history;~~
  - ~~—(c) Representation of an established and familiar visual feature of an area because of its location, design, architecture or singular physical appearance; or~~
  - ~~—(d) Meeting the criteria for eligibility for listing on the State or National Register of Historic Places.]~~ **designated as a historic neighborhood pursuant to section 1 of this act.**

**Sec. 4.** NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, **and section 1 of this act**, unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

**Sec. 5.** NRS 278.640 is hereby amended to read as follows:

278.640 If after July 1, 1975, there is any land lying within the boundaries of any county of this State which has not been made subject to a comprehensive land use plan pursuant to NRS 278.150, and zoning regulations pursuant to the provisions of NRS 278.010 to 278.630, inclusive, **and section**

**1 of this act**, the provisions of NRS 278.640 to 278.675, inclusive, apply to the extent and in the manner indicated therein.

**Sec. 6.** NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than \$250, is guilty of a misdemeanor.

(b) Where the value of the loss is \$250 or more but less than \$5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is \$5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category D felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

2. Unless a greater penalty is provided by a specific statute, a person who has previously been convicted of a violation of subsection 1:

(a) Two or more times; or

(b) That was punished as a felony,

↪ and who violates subsection 1, regardless of the value of the loss, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty prescribed in subsection 1, but only if the value of the loss when aggregated is \$500 or more.

4. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, pay a fine of not less than \$400 but not more than \$1,000 and perform 100 hours of community service.

(b) For the second offense, pay a fine of not less than \$750 but not more than \$1,000 and perform 200 hours of community service.

(c) For the third and each subsequent offense:

(1) Pay a fine of \$1,000; and

(2) Perform up to 300 hours of community service for up to 1 year, as determined by the court. The court may order the person to repair, replace, clean up or keep free of graffiti the property damaged or destroyed by the person or, if it is not practicable for the person to repair, replace, clean up or

keep free of graffiti that specific property, the court may order the person to repair, replace, clean up or keep free of graffiti another specified property.

↪ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

5. The court may, in addition to any other fine or penalty imposed, order a person who violates subsection 1 to pay restitution.

6. The parent or legal guardian of a person under 18 years of age who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

7. If a person who is 18 years of age or older is found guilty of violating this section, the court shall, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years. The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court shall issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

8. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

9. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to this section or another statute for the same conduct.

10. As used in this section:

(a) "Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "Protected site" means:

(1) Any site, landmark, monument, building or structure of historical significance pertaining to the history of the settlement of Nevada;

(2) Any site, building, structure, object or district listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources;

(3) Any site, building, structure ~~†~~ or object , *including, without limitation, a landmark*, or district listed in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places;

(4) Any site, building, structure, object or district that is more than 50 years old and is located in a municipal or state park;

(5) Any Indian campgrounds, shelters, petroglyphs, pictographs and burials; or

(6) Any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

(c) “Value of the loss” means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

**Sec. 7.** NRS 244A.6825 is hereby amended to read as follows:

244A.6825 “Historic structure” means a building, facility or other structure , *including, without limitation, a landmark*, which is eligible for listing in the State Register of Historic Places under NRS 383.085.

**Sec. 8.** NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. Recommend to the city council and all other public authorities plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, which must include for each city a population plan if required by NRS 278.170, a plan for the development of affordable housing and, for each city located in a county whose population is 700,000 or more, a plan to inventory and preserve *areas as* historic neighborhoods ~~†~~ *pursuant to section 1 of this act.*

3. Perform any other acts and things necessary or proper to carry out the provisions of NRS 268.110 to 268.220, inclusive, and in general to study and propose such measures as may be for the municipal welfare and in the interest of protecting the municipal area’s natural resources from impairment.



**Sec. 9.** NRS 321.404 is hereby amended to read as follows:

321.404 “Historic building” means a site, building, structure ~~†~~ **or** object, **including, without limitation, a landmark**, or district which is eligible for or included in the State Register of Historic Places pursuant to NRS 383.085 or the National Register of Historic Places or is otherwise of historical significance.

**Sec. 10.** NRS 349.485 is hereby amended to read as follows:

349.485 “Historic structure” means a building, facility or other structure, **including, without limitation, a landmark**, which is eligible for listing in the State Register of Historic Places under NRS 383.085.

**Sec. 11.** NRS 350.575 is hereby amended to read as follows:

350.575 1. Upon the adoption of a resolution to finance the preservation or restoration of a historic structure, in the manner provided in NRS 350.087, by a municipality, a certified copy thereof must be forwarded to the Executive Director of the Department of Taxation, accompanied by a letter from the Office of Historic Preservation of the State Department of Conservation and Natural Resources certifying that the preservation or restoration conforms to accepted standards for such work. As soon as is practicable, the Executive Director of the Department of Taxation shall, after consideration of the tax structure of the municipality concerned and the probable ability of the municipality to repay the requested financing, approve or disapprove the resolution in writing to the governing board. No such resolution is effective until approved by the Executive Director of the Department of Taxation. The written approval of the Executive Director of the Department of Taxation must be recorded in the minutes of the governing board.

2. If the Executive Director of the Department of Taxation does not approve the financing resolution, the governing board of the municipality may appeal the Executive Director’s decision to the Nevada Tax Commission.

3. As used in this section, “historic structure” means a building, facility or other structure, **including, without limitation, a landmark**, which is eligible for listing in the State Register of Historic Places under NRS 383.085.

**Sec. 12.** NRS 383.085 is hereby amended to read as follows:

383.085 1. The Office shall prepare and maintain the State Register of Historic Places.

2. The Office shall establish procedures, qualifications and standards for listing historic places in the State Register.

3. The Office shall prepare a list of eligible sites, **buildings**, structures ~~†~~ **and** objects, **including, without limitation, landmarks**, and districts on public and private land.

4. The Administrator may, by agreement with the appropriate state agency or private owner, place any site, **building**, structure ~~†~~ **or** object, **including, without limitation, a landmark**, or district which is located on state or private land in the State Register. The Administrator may by agreement with the appropriate federal agency place any site, **building**, structure ~~†~~ **or** object,

*including, without limitation, a landmark*, or district which is located on federal land in the State Register.

**Sec. 13.** The amendatory provisions of sections 1 and 3 of this act do not apply to an area designated by the governing body of a county or city as a historic neighborhood before July 1, 2019.

**Sec. 14.** This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time.

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

Amendment No. 108.

AN ACT relating to air pollution; ~~requiring that wireless testing devices be used to conduct emissions tests; requiring a station licensed to conduct emissions tests to provide certain information to the owner concerning the safety of his or her motor vehicle; requiring that wireless testing devices used to conduct emissions tests comply with certain standards; providing that emissions tests are required only on motor vehicles built during or after 1996; establishing the maximum number of stations that are licensed to conduct emissions tests in this State;~~ providing an exception to the requirement for emissions testing for certain transfers of used motor vehicles; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law requires the State Environmental Commission, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, to adopt regulations for the control of emissions from motor vehicles in any county whose population is 100,000 or more (currently Clark and Washoe Counties). If the Commission determines that it is feasible and practicable to carry out a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles, existing law requires the Commission, in cooperation with the Department and any local air pollution control agency, to adopt regulations and transportation controls to carry out such a program in any county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). Existing law requires such regulations to establish certain requirements concerning emissions testing. (NRS 445B.770)~~

~~Section 7 of this bill requires the regulations adopted by the Commission to establish requirements by which the Department shall require all stations that are licensed to conduct emissions tests to use wireless testing devices when conducting emissions tests. Section 4 of this bill defines "wireless testing device" to mean a device that: (1) connects to the onboard diagnostic~~

~~equipment of a motor vehicle by use of a wire or by another means; and (2) uploads the information concerning the emissions of the motor vehicle to the Department via the Internet. Sections 5, 6, 14 and 15 of this bill make conforming changes. Section 8 of this bill requires the use of wireless testing devices when conducting an emissions test for a heavy duty motor vehicle. Section 10 of this bill requires the Department to use wireless testing devices if the Department conducts any emissions tests.~~

~~Section 7 requires the regulations adopted by the Commission to establish requirements by which the Department shall require all stations that are licensed to conduct emissions tests to provide certain information to the registered owner concerning the safety of his or her motor vehicle. Section 7 requires such stations to: (1) obtain the safety information of the motor vehicle by the use of wireless testing devices; and (2) provide the safety information of the motor vehicle at no additional charge to the registered owner. Section 8 requires such stations to also provide the safety information to the registered owner of a heavy duty motor vehicle. Section 10 requires the Department to provide the safety information to the registered owner of the motor vehicle if the Department conducts any emissions tests.~~

~~Section 7 requires the regulations adopted by the Commission to establish requirements by which the Department is required to adopt SAE J2534 as the minimum standard with which wireless testing devices must comply. Section 3 of this bill defines the term "SAE J2534" to mean standard J2534 published by SAE International or a document determined by the Department to be a subsequent version approved by the Department by regulation.~~

~~Sections 7 and 8: (1) prohibit the Commission from requiring stations that are licensed to conduct emissions tests to conduct emissions tests on any motor vehicle built before or during 1995; and (2) require stations that are licensed to conduct emissions tests to conduct emissions tests on any motor vehicle built during or after 1996. If the Department conducts any emissions tests, section 10: (1) prohibits the Department from conducting emissions tests on any motor vehicle built before or during 1995; and (2) requires the Department to conduct emissions tests on any motor vehicle built during or after 1996. Existing law provides that certain classes of motor vehicles and hybrid vehicles are exempt from the emissions testing requirements. (NRS 445B.825) Section 13 of this bill exempts motor vehicles built before or during 1995 from the emissions testing requirements.~~

~~Existing law requires the Department, in cooperation with the Commission, to adopt regulations concerning: (1) the licensing of a station that conducts emissions tests; and (2) how such a station performs the emissions test. (NRS 445B.785) Section 9 of this bill requires the Department, in cooperation with the Commission, to adopt regulations which provide that the number of stations operating as of January 1, 2020, in this State is the maximum number of stations that the Department will license in this State. Section 9 authorizes the Department to license new stations when an existing station ceases to conduct business as a station. Section 9 further authorizes the Department to~~

~~increase the maximum number of stations licensed to operate in a county if the total vehicle count in that county increases by more than 10 percent.]~~

Existing law prohibits a used motor vehicle from being registered unless the application for registration is accompanied by evidence of compliance which certifies that the vehicle is equipped with devices for the control of pollution from motor vehicles. (NRS 445B.800) Existing law provides that this prohibition does not apply to the transfer of registration if evidence of compliance was issued within 90 days before the transfer. (NRS 445B.805) **Section 11** of this bill provides that this prohibition does not apply to the transfer of registration from a vehicle dealer or new vehicle dealer to any person who buys or exchanges an interest in a motor vehicle if evidence of compliance was issued within 180 days before the transfer. **Section 12** of this bill makes conforming changes.

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

**Section 1.** ~~[Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.] (Deleted by amendment.)~~

**Sec. 2.** ~~["New vehicle dealer" has the meaning ascribed to it in NRS 482.078.] (Deleted by amendment.)~~

**Sec. 3.** ~~["SAE J2534" means the document published by SAE International on October 28, 2015, as "Recommended Practice for Pass-Thru Vehicle Programming" or a document determined by the Department of Motor Vehicles to be a subsequent version which is approved by the Department of Motor Vehicles by regulation.] (Deleted by amendment.)~~

**Sec. 4.** ~~["Wireless testing device" means a device that~~  
~~— 1. Connects to the onboard diagnostic equipment of a motor vehicle by use of a wire or by another means; and~~  
~~— 2. Uploads the information concerning the emissions of the motor vehicle to the Department of Motor Vehicles via the Internet.] (Deleted by amendment.)~~

**Sec. 5.** ~~[NRS 445B.700 is hereby amended to read as follows:~~  
~~— 445B.700 As used in NRS 445B.700 to 445B.845, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.7585, inclusive, and sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

**Sec. 6.** ~~[NRS 445B.759 is hereby amended to read as follows:~~  
~~— 445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, and sections 2, 3 and 4 of this act do not apply to:~~  
~~— (a) Military tactical vehicles; or~~  
~~— (b) Replica vehicles.~~  
~~— 2. As used in this section:~~  
~~— (a) "Military tactical vehicle" means a motor vehicle that is:~~

~~— (1) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and~~

~~— (2) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.~~

~~— (b) "Replica vehicle" means any passenger car or light duty motor vehicle which:~~

~~— (1) Has a body manufactured after 1967 which is made to resemble a vehicle of a model manufactured before 1968;~~

~~— (2) Has been altered from the original design of the manufacturer or has a body constructed from materials which are not original to the vehicle;~~

~~— (3) Is maintained solely for occasional transportation, including exhibitions, club activities, parades, tours or other similar uses; and~~

~~— (4) Is not used for daily transportation.~~

~~\* The term does not include a vehicle which has been restored to its original design by replacing parts. (Deleted by amendment.)~~

Sec. 7. ~~[NRS 445B.770 is hereby amended to read as follows:~~

~~— 445B.770 1. In any county whose population is 100,000 or more, the Commission shall, in cooperation with the Department of Motor Vehicles and any local air pollution control agency, adopt regulations for the control of emissions from motor vehicles in areas of the county designated by the Commission.~~

~~— 2. In any county whose population is less than 100,000, if the Commission determines that it is feasible and practicable to carry out a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles, and if carrying out the program is deemed necessary to achieve or maintain the prescribed standards for the quality of ambient air in areas of the State designated by the Commission, the Commission shall, in cooperation with the Department of Motor Vehicles and any local air pollution control agency established under NRS 445B.500 which has jurisdiction in a designated area, adopt regulations and transportation controls as may be necessary to carry out the program.~~

~~— 3. The regulations must distinguish between light duty and heavy duty motor vehicles and may prescribe:~~

~~— (a) Appropriate criteria and procedures for the approval, installation and use of devices for the control of emissions from motor vehicles; and~~

~~— (b) Requirements for the proper maintenance of such devices and motor vehicles.~~

~~— 4. The regulations must establish:~~

~~— (a) Requirements by which the Department of Motor Vehicles shall license authorized stations to inspect, repair, adjust and install devices for the control of emissions for motor vehicles, including criteria by which any person may become qualified to inspect, repair, adjust and install those devices.~~

~~— (b) Requirements by which the Department of Motor Vehicles may license an owner or lessee of a fleet of three or more vehicles as a fleet station if the~~

owner or lessee complies with the regulations of the Commission. The fleet station shall only certify vehicles which constitute that fleet.

~~— (e) Requirements by which the Department of Motor Vehicles provides for inspections of motor vehicles owned by this State and any of its political subdivisions.~~

~~— (d) Requirements by which the Department of Motor Vehicles shall require all authorized inspection stations, authorized stations and fleet stations to use wireless testing devices to inspect and test motor vehicles and systems for the control of emissions from motor vehicles.~~

~~— (e) Requirements by which the Department of Motor Vehicles shall require all authorized inspection stations, authorized stations and fleet stations to provide information to the registered owner concerning the safety of his or her motor vehicle. The authorized inspection station, authorized station or fleet station shall:~~

~~— (1) Obtain the safety information of the motor vehicle by use of the wireless testing devices pursuant to paragraph (d); and~~

~~— (2) Provide the safety information of the motor vehicle to the registered owner at no additional charge.~~

~~— (f) Requirements by which the Department of Motor Vehicles shall adopt SAE J2534 as the minimum standard with which wireless testing devices are required to comply pursuant to NRS 445B.700 to 445B.845, inclusive, and sections 2, 3 and 4 of this act.~~

~~5. The Commission shall consider, before adopting any regulation or establishing any criteria pursuant to paragraph (a) of subsection 3:~~

~~— (a) The availability of devices adaptable to specific makes, models and years of motor vehicles.~~

~~— (b) The effectiveness of those devices for reducing the emission of each type of air pollutant under conditions in this State.~~

~~— (c) The capability of those devices for reducing any particular type or types of pollutants without significantly increasing the emission of any other type or types of pollutant.~~

~~— (d) The capacity of any manufacturer to produce and distribute the particular device in such quantities and at such times as will meet the estimated needs in Nevada.~~

~~— (e) The reasonableness of the retail cost of the device and the cost of its installation and maintenance over the life of the device and the motor vehicle.~~

~~— (f) The ease of determining whether any such installed device is functioning properly.~~

~~6. The Commission shall not require pursuant to subsection 1 or 2 any authorized inspection station, authorized station or fleet station to inspect and test motor vehicles and systems for the control of emissions from motor vehicles for motor vehicles built before or during 1995. The Commission shall require pursuant to subsection 1 or 2 authorized inspection stations, authorized stations and fleet stations to inspect and test motor vehicles and~~

~~systems for the control of emissions from motor vehicles for motor vehicles built during or after 1996.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 445B.780 is hereby amended to read as follows:~~

~~445B.780 1. The Commission shall, by regulation, establish a program for the regulation of smoke and other emissions by inspection of heavy duty motor vehicles that are powered by diesel fuel or motor vehicle fuel.~~

~~2. The Commission shall adopt regulations concerning:~~

~~(a) The equipment used to measure smoke and other emissions of heavy duty motor vehicles.~~

~~(b) The granting of a waiver if compliance involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to owners of heavy duty motor vehicles.~~

~~3. The regulations must establish:~~

~~(a) Requirements by which the Department of Motor Vehicles shall require all authorized inspection stations, authorized stations and fleet stations to use wireless testing devices to inspect and test heavy duty motor vehicles and systems for the control of emissions from heavy duty motor vehicles; and~~

~~(b) Requirements by which the Department of Motor Vehicles shall require all authorized inspection stations, authorized stations and fleet stations to provide information to the registered owner concerning the safety of his or her heavy duty motor vehicle. The authorized inspection station, authorized station or fleet station shall:~~

~~(1) Obtain the safety information of the heavy duty motor vehicle by use of the wireless testing devices pursuant to paragraph (a); and~~

~~(2) Provide the safety information of the heavy duty motor vehicle to the registered owner at no additional charge.~~

~~4. The Commission shall not require any authorized inspection station, authorized station or fleet station to inspect and test heavy duty motor vehicles and systems for the control of emissions from heavy duty motor vehicles for heavy duty motor vehicles built before or during 1995. The Commission shall require authorized inspection stations, authorized stations and fleet stations to inspect and test heavy duty motor vehicles and systems for the control of emissions from heavy duty motor vehicles for heavy duty motor vehicles built during or after 1996.~~

~~5. As used in this section, "heavy duty motor vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of 14,001 pounds or more. The term does not include a passenger car.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 445B.785 is hereby amended to read as follows:~~

~~445B.785 1. The Department of Motor Vehicles shall, in cooperation with the Commission, adopt regulations which:~~

~~(a) Prescribe requirements for licensing authorized inspection stations, authorized stations and fleet stations. The regulations adopted pursuant to this~~

paragraph must provide that a facility licensed as an authorized inspection station:

~~— (1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.~~

~~— (2) May perform the following activities in connection with a motor vehicle:~~

~~— (I) The changing of oil;~~

~~— (II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and~~

~~— (III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.~~

~~— (b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.~~

~~— (c) Prescribe the [diagnostic equipment] *wireless testing devices* necessary to perform the required inspection. The regulations must ensure that:~~

~~— (1) The equipment complies with any applicable standards of the United States Environmental Protection Agency; and~~

~~— (2) Use of the equipment is specifically authorized by the Commission.~~

~~— (d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive [ ], *and sections 2, 3 and 4 of this act.*~~

~~— (e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.~~

~~— (f) *Except as otherwise provided in this paragraph, provide that the number of authorized inspection stations, authorized stations and fleet stations licensed in this State as of January 1, 2020, is the maximum number of authorized inspection stations, authorized stations and fleet stations, respectively, that the Department of Motor Vehicles shall license in this State. The Department of Motor Vehicles may:*~~

~~— (1) *License a new authorized inspection station, authorized station or fleet station when an authorized inspection station, authorized station or fleet station that is licensed as of January 1, 2020, ceases to conduct business as such a licensed station; and*~~

~~— (2) *Increase the maximum number of authorized inspection stations, authorized stations and fleet stations licensed to operate in a county if the Department of Motor Vehicles determines that the total vehicle count in that county has increased by more than 10 percent.*~~

~~— 2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized station and fleet station.]~~

(Deleted by amendment.)



Sec. 10. ~~NRS 445B.798 is hereby amended to read as follows:~~

~~445B.798 1. In a county whose population is 100,000 or more, the Department of Motor Vehicles may conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and sections 2, 3 and 4 of this act and the regulations adopted pursuant thereto.~~

~~2. If the Department of Motor Vehicles conducts a test pursuant to subsection 1, the Department of Motor Vehicles:~~

~~(a) Shall use wireless testing devices to inspect and test motor vehicles and systems for the control of emissions from motor vehicles.~~

~~(b) Shall provide information to the registered owner concerning the safety of his or her motor vehicle. The Department of Motor Vehicles shall:~~

~~(1) Obtain the safety information of the motor vehicle by use of the wireless testing devices pursuant to paragraph (a); and~~

~~(2) Provide the safety information of the motor vehicle to the registered owner at no additional charge.~~

~~(c) Shall not inspect and test motor vehicles and systems for the control of emissions from motor vehicles for motor vehicles built before or during 1995. The Department of Motor Vehicles shall inspect and test motor vehicles and systems for the control of emissions from motor vehicles for motor vehicles built during or after 1996. (Deleted by amendment.)~~

Sec. 11. NRS 445B.805 is hereby amended to read as follows:

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) Spouses; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. *Transfer of registration from a vehicle dealer or new vehicle dealer to any person who buys or exchanges an interest in a motor vehicle if evidence of compliance was issued within 180 days before the transfer.*

5. A consignee who is conducting a consignment auction which meets the requirements set forth in NRS 445B.807 if the consignee:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of NRS 445B.807, at the primary place of business of the consignee conducting the consignment auction.

**Sec. 12.** NRS 445B.807 is hereby amended to read as follows:

445B.807 1. To qualify as a consignment auction for the purposes of subsection ~~445~~ 5 of NRS 445B.805, an event must be:

(a) A live auction with an auctioneer verbally calling for and accepting bids; or

(b) An auction conducted on an auction website on the Internet by a person who is certified pursuant to subsection 2 and who is:

(1) A vehicle dealer licensed pursuant to NRS 482.325; or

(2) A salvage pool licensed pursuant to NRS 487.410.

2. A person may obtain certification for the purposes of paragraph (b) of subsection 1 by:

(a) Applying to the Department of Motor Vehicles;

(b) Providing evidence satisfactory to the Department that the person is licensed as a vehicle dealer pursuant to NRS 482.325 or as a salvage pool pursuant to NRS 487.410;

(c) Providing evidence satisfactory to the Department that at least 51 percent of the motor vehicles sold by the person in the calendar year immediately preceding the date of the person's application were sold on behalf of another person and were sold using:

(1) A live auction with an auctioneer verbally calling for and accepting bids; or

(2) An auction conducted on an auction website on the Internet by the person; and

(d) Providing any other information or documentation required by the Department.

3. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, providing procedures for the application for and the granting of a certification pursuant to this section and providing for the expiration and renewal of the certification.

Sec. 13. ~~[NRS 445B.825 is hereby amended to read as follows:~~

~~445B.825 1. [The] *Notwithstanding the provisions of subsection 2, the* Commission may provide for exemption from the provisions of NRS 445B.770 to 445B.815, inclusive, of designated classes of motor vehicles, including, without limitation, classes based upon the year of manufacture of motor vehicles.~~

~~2. *Motor vehicles built before or during 1995 are exempt from the provisions of NRS 445B.770 to 445B.815, inclusive.*~~

~~3. A hybrid electric vehicle, as defined in 40 C.F.R. § 86.1702-99, is exempt from the provisions of NRS 445B.770 to 445B.815, inclusive, until the model year of the vehicle is 6 years old.~~

~~[3.] 4. The Commission shall provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if compliance involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 445B.835 is hereby amended to read as follows:~~

~~445B.835 1. The Department of Motor Vehicles may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 4 of this act*, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.~~

~~2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Pollution Control Account.~~

~~3. In addition to any other remedy provided by NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 4 of this act*, the Department may compel compliance with any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 4 of this act* and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 445B.845 is hereby amended to read as follows:~~

~~445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 4 of this act* relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, *and sections 2, 3 and 4 of this act*, or any regulation adopted pursuant thereto, must be enforced by any peace officer.~~

~~2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.] (Deleted by amendment.)~~

**Sec. 16.** This act becomes effective:

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

2. On ~~January 1, 2020,~~ **October 1, 2019**, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 232.

Bill read second time and ordered to third reading.

Assembly Bill No. 281.

Bill read second time and ordered to third reading.

Assembly Bill No. 296.

Bill read second time and ordered to third reading.

Assembly Bill No. 334.

Bill read second time and ordered to third reading.

Assembly Bill No. 361.

Bill read second time and ordered to third reading.

Assembly Bill No. 366.

Bill read second time and ordered to third reading.

Assembly Bill No. 367.

Bill read second time and ordered to third reading.

Assembly Bill No. 377.

Bill read second time and ordered to third reading.

Assembly Bill No. 407.

Bill read second time and ordered to third reading.

Assembly Bill No. 410.

Bill read second time and ordered to third reading.

Assembly Bill No. 412.

Bill read second time and ordered to third reading.

Assembly Bill No. 424.

Bill read second time and ordered to third reading.

Assembly Bill No. 458.

Bill read second time and ordered to third reading.

Assembly Bill No. 464.

Bill read second time and ordered to third reading.

Assembly Bill No. 478.

Bill read second time and ordered to third reading.

Assembly Bill No. 479.

Bill read second time and ordered to third reading.

Assembly Bill No. 481.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 3.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time.

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

Amendment No. 149.

ASSEMBLYMEN MILLER, ASSEFA, YEAGER ~~JE~~ ; LEAVITT; BACKUS, BILBRAY-AXELROD, CARLTON, CARRILLO, COHEN, DALY, DURAN, EDWARDS, ELLISON, FLORES, FUMO, GORELOW, HAFEN, HANSEN, MARTINEZ, MCCURDY, MONROE-MORENO, MUNK, NEAL, NGUYEN, PETERS, ROBERTS, SMITH, SWANK, TITUS, TOLLES, TORRES, ~~AND~~ WATTS AND WHEELER

JOINT SPONSORS: SENATORS DENIS, HANSEN, OHRENSCHALL, PARKS AND WASHINGTON

SUMMARY—Urges the President and the Congress of the United States to pass acts to combat illegal harvesting and trafficking of human organs. (BDR R-92)

ASSEMBLY JOINT RESOLUTION—Urging the President and the Congress of the United States to pass acts to combat illegal harvesting and trafficking of human organs.

WHEREAS, The World Health Organization estimates that approximately 10 percent of all transplanted kidneys worldwide are illegally obtained, often bought from vulnerable impoverished persons or forcibly harvested from prisoners; and

WHEREAS, The practice of obtaining or harvesting organs illegally has been reported and documented by the United States House of Representatives, the United States Commission on International Religious Freedom, the European Parliament, the United Nations Special Rapporteur on Torture, Amnesty International, Human Rights Watch, and many other governmental and third party organizations; and

WHEREAS, Multiple states and nations have passed resolutions to address, condemn, prevent, and combat illegal organ harvesting and trafficking, by means that include restricting travel for organ transplants to countries under suspicion of illegal harvesting and requiring the medical community to inform and educate patients of unethical practices in such areas; and

WHEREAS, The United States House of Representatives unanimously passed House Resolution 343 in 2016, the United States House of

Representatives passed House Resolution 3694 in 2016, the European Parliament passed Resolution 2981 in 2013, and the United States Senate introduced Senate Resolution 220 on July 13, 2017, all of which condemn systematic, state-sanctioned organ harvesting; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature supports the resolutions brought forth by the United States Congress to combat the illegal harvesting and trafficking of human organs worldwide; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice-President of the United States as the presiding officer of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 7.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 33, 92, 151, 296, and 366 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 43, 80, 96, 116, 157, 193, and 214 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 86 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that upon return from the printer, Assembly Bill No. 62 be placed on the Chief Clerk's desk.

Motion carried.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 182.

The following Senate amendment was read:

Amendment No. 157.

ASSEMBLYMEN PETERS, WATTS, BILBRAY-AXELROD, MILLER; ASSEFA, CARLTON, CARRILLO, COHEN, DALY, DURAN, FRIERSON, FUMO, GORELOW, HARDY, JAUREGUI, LEAVITT, MARTINEZ, MILLER, MONROE-MORENO, MUNK, NGUYEN, ROBERTS, SPIEGEL, SPRINKLE, SWANK, THOMPSON ~~AND~~ TOLLES AND TORRES

JOINT SPONSORS: SENATORS BROOKS, CANCELA, HAMMOND, HANSEN, OHRENSCHALL, PARKS, PICKARD, SEEVERS GANSERT AND WASHINGTON

AN ACT relating to state emblems; designating neon as the official state element of the State of Nevada; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law designates various symbols of the State of Nevada, including a state metal, a state precious gemstone and a state semiprecious gemstone. (NRS 235.090, 235.100, 235.110) This bill designates neon as the official state element of the State of Nevada.

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

**Section 1.** Chapter 235 of NRS is hereby amended by adding thereto a new section to read as follows:

*The chemical element known as neon is hereby designated as the official state element of the State of Nevada.*

**Sec. 2.** This act becomes effective on July 1, 2019.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 157 to Assembly Bill No. 182.

Remarks by Assemblyman Flores.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

REMARKS FROM THE FLOOR

Assemblyman Thompson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN THOMPSON:

Today I want to reflect on a word: legacy. In our community last week, we lost someone who was a strong advocate against food insecurity, someone who always looked out for those people that just did not have their basic needs met. I would like for this body to acknowledge Miss Bessie Braggs. I met her a few decades ago. In this day and age with all the good work we are doing in our communities to make sure that Nevadans have food, she was a person who worked to make sure that they have their basic needs met. I just want to reflect on her life's work today on the Assembly floor. If this could please be entered into today's record, I would truly appreciate it. If you never got a chance to meet Miss Bessie Braggs, know that all the work that is being done around food insecurity has her footprints all over it.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Assefa, the privilege of the floor of the Assembly Chamber for this day was extended to Kjaris Gonzales and Milan Devetak.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Elvica Diaz, Mirna Guigui, and Noemi Guigui.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Yaquelin Huerta and Zoraida Ibarra.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandro Estrada and Vincent Nava.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth Zamora and Danielle Fitzgerald.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to C.J. Miller and Gregg Garcia.

On request of Assemblyman Edwards, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Fleck and Catherine Fleck.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Yvonne Parkinson, Alicia Briancon, and Raquel Cruz-Juarez.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Anahi Ruelas, Jair Guigui, and Briceida Castro.

On request of Assemblyman Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Caitilin Addington, Nick Bloom, and Rachel Siota.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Eugenia Rebok, Maru Eugenia Meister, and Liliana Gindt.

On request of Assemblyman Leavitt, the privilege of the floor of the Assembly Chamber for this day was extended to Areli Alarcon and Alex Camberos.



On request of Assemblywoman Martinez, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Kagan and Miss Kagan.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Gary Fisher, Sophia Rae Davis-Harris, and Koa King Harris.

On request of Assemblywoman Munk, the privilege of the floor of the Assembly Chamber for this day was extended to Ellie Sandoval and Carmen Trevino.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Elsi Carrera, Cristal Woodley, and Jenny Lopez.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Daniela Escobar, Chris Vargas, and Nathaniel Valdez.

On request of Assemblywoman Swank, the privilege of the floor of the Assembly Chamber for this day was extended to Karina Tehandon and Jonathan Castrejon.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Herrera, Olga Garcia, Rachell Villasenor, Hilda Gallardo, and Manuel Ayala.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Ruiz-Martin and Ivon Meneses.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Esparza, Jennifer Lopez, and Yajaira Esparza.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Romero, Arlene Castilla, and Jazmin Leon.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Angeles, Caroline Garica, and Markos Valerio.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 16, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:22 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*