

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 22, 2019

Assembly called to order at 12:30 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused.

Prayer by the Chaplain, Rajan Zed.

Om

bhur bhuvah svah

tat savitur varenyam

bhargo devasya dhimahi

dhiyo you nah prachodayat.

We meditate on the transcendental glory of the deity supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya

tamaso ma jyotir gamaya

mrityor mamrtam gamaya.

Lead us from the unreal to the real. Lead us from darkness to light. Lead us from death to immortality.

Tasmadasaktah satatam karyam karma samacara

asakto hyacarankarma paramapnoti purusah.

karmanaiva hi samsiddhimasthita janakadayah

lokasangrahavevapi sampasyankartumarhasi.

Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

Om saha naavavatu

saha nau bhunaktu

saha viiryan karavaavahai

tejasvi naavadhiitamastu

maa vidhvisshaavahai.

May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

Om shanti, shanti, shanti.

Peace, peace, peace be unto all.

Om.

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.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 358.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 128, 185, 271, 310, 319, 370, 398, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN B. SPIEGEL, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 78, 219, 261, 289, 427, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TYRONE THOMPSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 347, 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 338, 344, 365, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 19, 176, 201, 307, 315, 376, 411, 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 was referred Assembly Bill No. 50, 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 Legislative Operations and Elections, to which was referred Assembly Bill No. 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 30, 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 32, 244, 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 Taxation, to which were referred Assembly Bills Nos. 385, 443, 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 26, 154.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 20, 117, 163, 173, 182, 207, 219, 236, 242, 250, 252, 323, 365, 370, 400, 417.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

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

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:43 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 22, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 235, 267, 290, 297 and 382.

CINDY JONES
Fiscal Analysis Division

April 22, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 340.

MARK KRMPOTIC
Fiscal Analysis Division

April 22, 2019

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Senate Bills Nos. 251 and 276 are 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

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 19, 30, 32, 50, 78, 128, 150, 176, 185, 201, 219, 244, 261, 271, 289, 307, 310, 315, 319, 331, 338, 344, 347, 365, 370, 376, 385, 398, 403, 411, 413, 427, 443, 446, 448, 457, and 462 just reported out of committee be placed at the bottom of the Second Reading file.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 355, and 378 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 20.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 117.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 163.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 173.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 182.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 207.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 219.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 236.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 242.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 250.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 252.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 323.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 365.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 370.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 400.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 417.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 297.

AN ACT relating to the Commission on Judicial Discipline; ~~revising provisions governing the appointment of certain members of the Commission under certain circumstances; revising provisions governing the investigation of complaints against judges and the procedural rules and standard of proof applicable to certain proceedings;~~ **requiring the investigative and prosecutorial function of the Commission to be separate from the adjudicative function** of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission on Judicial Discipline has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges in this State. (Nev. Const. Art. 6, § 21; NRS 1.440) The Nevada Constitution requires the Commission to be composed of seven members, including two members appointed by the Nevada Supreme Court. (Nev. Const. Art. 6, § 21) Existing law also provides that if a justice of the peace or a municipal judge is required to appear before the Commission in formal, public proceedings, the Nevada Supreme Court must appoint two justices of the peace or two municipal judges, respectively, to replace the regular Supreme Court appointees for those formal, public proceedings. (NRS 1.440) ~~Section 1 of this bill requires the Nevada Supreme Court to make these appointments with the advice of the Nevada Judges of Limited Jurisdiction, which is an association of justices of the peace and municipal judges in this State.~~

—Under the Nevada Constitution, the Legislature is required to establish the grounds for censure and other disciplinary action against judges and the standards for the investigation of matters relating to the fitness of judges to hold their judicial offices. (Nev. Const. Art. 6, § 21) With regard to disciplinary proceedings against judges, the Nevada Supreme Court has determined that judges have a constitutionally-protected interest in their judicial offices, and when disciplinary proceedings threaten to deprive a judge of that interest, constitutional due process is required. (U.S. Const. Amend. XIV, § 1; Nev. Const. Art. 1, § 8; *Mosley v. Nev. Comm'n on Jud. Discipline*, 117 Nev. 371, 378 (2001)) Constitutional due process requires that a judge accused of misconduct must be given: (1) notice of the charges and an opportunity to respond; and (2) a fair trial of the charges before a fair tribunal. (*Jones v. Nev. Comm'n on Jud. Discipline*, 130 Nev. 99, 105 (2014))

Although constitutional due process protections are implicated by disciplinary proceedings against a judge, the Nevada Supreme Court has determined that such disciplinary proceedings are divided into two distinct stages, investigatory and adjudicatory, and during the investigatory stage, when evidence is collected and the Commission determines how to proceed against the judge, constitutional due process protections generally do not apply because the Commission's investigatory proceedings do not adjudicate the judge's legal rights and thus do not require constitutional due process

protections. Consequently, constitutional due process protections generally do not attach until after the investigatory stage is completed and the Commission files a formal statement of charges, which commences the adjudicatory stage, and the judge is then afforded notice of the charges and an opportunity to respond and defend against the charges in a hearing in which the judge's legal rights are adjudicated by the Commission. (*Jones v. Nev. Comm'n on Jud. Discipline*, 130 Nev. 99, 105-06 (2014)) Even though constitutional due process protections generally do not apply during the investigatory stage of the Commission's proceedings, the Legislature may provide additional procedural protections by statute. (*Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 730-31 & n.52 (2004) (explaining that the Legislature may enact statutes affording greater protections than the minimum protections established by constitutional provisions))

~~[Under existing law, the Commission is required to adopt procedural rules for conducting its hearings and carrying out its duties, including procedural rules for the investigatory stage of its proceedings. (Nev. Const. Art. 6, § 21; NRS 1.4663, 1.4667, 1.467) However, existing law also provides that after the Commission files a formal statement of charges and commences the adjudicatory stage of its proceedings, the Nevada Rules of Civil Procedure apply, which afford a judge due process protections. (NRS 1.462) Sections 2 and 4 of this bill require that the Nevada Rules of Civil Procedure apply to all stages of the Commission's proceedings, including the investigatory stage.]~~ **Section 2 [also] of this bill** requires ~~[that any procedural rules adopted by the Commission must provide due process to a judge~~

~~— Existing law provides that the standard of proof during the investigatory stage of the Commission's proceedings is whether there is a reasonable probability that the evidence available for introduction at a formal hearing could clearly and convincingly establish grounds for disciplinary action against a judge. (NRS 1.4655, 1.4667, 1.467, 1.468) Existing law also provides that the standard of proof during the adjudicatory stage of the Commission's proceedings is clear and convincing evidence. (NRS 1.4673) Sections 3 and 5-7 of this bill clarify that the standard of proof during the investigatory stage of the Commission's proceedings is whether there is a reasonable probability, supported by clear and convincing evidence, to establish grounds for disciplinary action against a judge.~~

~~— Finally, existing law provides that if the standard of proof is met during the investigatory stage of the Commission's proceedings, the Commission must require the judge to respond to the complaint in accordance with the Commission's procedural rules. (NRS 1.4667) Section 5 of this bill changes this provision to state that the Commission must give the judge an opportunity to respond to the complaint, thereby leaving it to the discretion of the judge to determine whether to respond to the complaint during the investigatory stage of the Commission's proceedings.]~~ **the investigatory and prosecutorial function of the Commission to be separate from the adjudicatory function of the Commission in any matter before the Commission and prohibits**

any member of the Commission who is involved with the adjudicatory function of the Commission in a particular matter from: (1) receiving any investigatory or informational reports relating to the matter before a hearing; or (2) being provided with any information beyond that which is provided to the judge against whom a formal statement of charges has been filed.

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

Section 1. ~~NRS 1.440 is hereby amended to read as follows:~~

~~1.440 1. The Commission has exclusive jurisdiction over the public censure, removal, involuntary retirement and other discipline of judges which is coextensive with its jurisdiction over justices of the Supreme Court and must be exercised in the same manner and under the same rules.~~

~~2. Any complaint or action, including, without limitation, an interlocutory action or appeal, filed in connection with any proceeding of the Commission must be filed in the Supreme Court. Any such complaint or action filed in a court other than the Supreme Court shall be presumed to be frivolous and intended solely for the purposes of delay.~~

~~3. [The] *With the advice of the Nevada Judges of Limited Jurisdiction, or its successor organization, the* Supreme Court shall appoint two justices of the peace and two municipal judges to sit on the Commission for formal, public proceedings against a justice of the peace or a municipal judge, respectively. Justices of the peace and municipal judges so appointed must be designated by an order of the Supreme Court to sit for such proceedings in place of and to serve for the same terms as the regular members of the Commission appointed by the Supreme Court.] **(Deleted by amendment.)**~~

Sec. 2. NRS 1.462 is hereby amended to read as follows:

1.462 1. Proceedings before the Commission are civil matters designed to preserve an independent and honorable judiciary.

2. Except as otherwise provided in NRS 1.425 to 1.4695, inclusive, or in the procedural rules adopted by the Commission, after a formal statement of charges has been filed, the [The] Nevada Rules of Civil Procedure apply ~~to all stages of the proceedings before the Commission, including, without limitation, the investigatory stage.~~

3. *In any matter before the Commission, the investigatory and prosecutorial function of the Commission, including, without limitation, deciding whether a formal statement of charges should be filed, must be separate from the adjudicatory function of the Commission, including, without limitation, hearing evidence, making factual findings and imposing discipline after a formal complaint of charges is filed. Any member of the Commission who is involved with the adjudicatory function of the Commission in a particular matter must not:*

(a) Receive any investigatory or informational reports relating to the matter before a hearing; or

(b) Be provided with any information beyond that which is provided to the judge against whom a formal statement of charges has been filed.

~~4. [Any procedural rules adopted by the Commission pursuant to NRS 1.425 to 1.4695, inclusive, must provide due process to a judge.]~~

Sec. 3. [NRS 1.4655 is hereby amended to read as follows:

~~1.4655 1. The Commission may begin an inquiry regarding the alleged misconduct or incapacity of a judge upon the receipt of a complaint.~~

~~2. The Commission shall not consider complaints arising from acts or omissions that occurred more than 3 years before the date of the complaint or more than 1 year after the complainant knew or in the exercise of reasonable diligence should have known of the conduct, whichever is earlier, except that:~~

~~(a) Where there is a continuing course of conduct, the conduct will be deemed to have been committed at the termination of the course of conduct;~~

~~(b) Where there is a pattern of recurring judicial misconduct and at least one act occurs within the 3-year or 1-year period, as applicable, the Commission may consider all prior acts or omissions related to that pattern; and~~

~~(c) Any period in which the judge has concealed or conspired to conceal evidence of misconduct is not included in the computation of the time limit for the filing of a complaint pursuant to this section.~~

~~3. Within 18 months after the receipt of a complaint pursuant to this section, the Commission shall:~~

~~(a) Dismiss the complaint with or without a letter of caution;~~

~~(b) Attempt to resolve the complaint informally as required pursuant to NRS 1.4665;~~

~~(c) Enter into a deferred discipline agreement pursuant to NRS 1.468;~~

~~(d) With the consent of the judge, impose discipline on the judge pursuant to an agreement between the judge and the Commission; or~~

~~(e) Authorize the filing of a formal statement of the charges based on a finding that there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly], **supported by clear and convincing evidence, to** establish grounds for disciplinary action.] (Deleted by amendment.)~~

Sec. 4. [NRS 1.4663 is hereby amended to read as follows:

~~1.4663 1. If the Commission determines pursuant to NRS 1.4657 that a complaint alleges objectively verifiable evidence from which a reasonable inference could be drawn that a judge committed misconduct or is incapacitated, the Commission shall assign or appoint an investigator to conduct an investigation to determine whether the allegations have merit. The Commission may designate special counsel at any time after a complaint is filed with the Commission pursuant to NRS 1.4655.~~

~~2. Such an investigation [must be conducted in accordance with procedural rules adopted by the Commission and] may extend to any matter that is, in the determination of the Commission, reasonably related to an allegation of misconduct or incapacity contained in the complaint.~~

~~3. An investigator assigned or appointed by the Commission to conduct an investigation pursuant to this section may, for the purpose of investigation, compel by subpoena on behalf of the Commission the attendance of witnesses and the production of necessary materials as set forth in NRS 1.466.~~

~~4. At the conclusion of the investigation, the investigator shall prepare a written report of the investigation for review by the Commission.] (Deleted by amendment.)~~

Sec. 5. ~~NRS 1.4667 is hereby amended to read as follows:~~

~~1.4667 1. The Commission shall review the report prepared pursuant to NRS 1.4663 to determine whether there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly] , *supported by clear and convincing evidence*, to establish grounds for disciplinary action against a judge.~~

~~2. If the Commission determines that such a reasonable probability does not exist, the Commission shall dismiss the complaint with or without a letter of caution. The Commission may consider a letter of caution when deciding the appropriate action to be taken on a subsequent complaint against a judge unless the caution is not relevant to the misconduct alleged in the subsequent complaint.~~

~~3. If the Commission determines that such a reasonable probability exists, the Commission shall [require] *give* the judge *an opportunity* to respond to the complaint in accordance with procedural rules adopted by the Commission.] (Deleted by amendment.)~~

Sec. 6. ~~NRS 1.467 is hereby amended to read as follows:~~

~~1.467 1. After *giving* a judge [responds] *an opportunity to respond* to the complaint as required pursuant to NRS 1.4667, the Commission shall make a finding of whether there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly] , *supported by clear and convincing evidence*, to establish grounds for disciplinary action against the judge.~~

~~2. If the Commission finds that such a reasonable probability does not exist, the Commission shall dismiss the complaint with or without a letter of caution. The Commission may consider a letter of caution when deciding the appropriate action to be taken on a subsequent complaint against a judge unless the caution is not relevant to the misconduct alleged in the subsequent complaint.~~

~~3. If the Commission finds that such a reasonable probability exists, but reasonably believes that the misconduct would be addressed more appropriately through rehabilitation, treatment, education or minor corrective action, the Commission may enter into a deferred discipline agreement with the judge for a definite period as described in NRS 1.468.~~

~~4. The Commission shall not dismiss a complaint with a letter of caution or enter into a deferred discipline agreement with a judge if:~~

~~—(a) The misconduct of the judge involves the misappropriation of money, dishonesty, deceit, fraud, misrepresentation or a crime that adversely reflects on the honesty, trustworthiness or fitness of the judge;~~

~~—(b) The misconduct of the judge resulted or will likely result in substantial prejudice to a litigant or other person;~~

~~—(c) The misconduct of the judge is part of a pattern of similar misconduct;~~
~~or~~

~~—(d) The misconduct of the judge is of the same nature as misconduct for which the judge has been publicly disciplined or which was the subject of a deferred discipline agreement entered into by the judge within the immediately preceding 5 years.~~

~~—5. If the Commission finds that such a reasonable probability exists and that formal proceedings are warranted, the Commission shall, in accordance with its procedural rules, designate special counsel to sign under oath and file with the Commission a formal statement of charges against the judge.~~

~~—6. Within 20 days after service of the formal statement of charges, the judge shall file an answer with the Commission under oath. If the judge fails to answer the formal statement of charges within that period, the Commission shall deem such failure to be an admission that the charges set forth in the formal statement:~~

~~—(a) Are true; and~~

~~—(b) Establish grounds for discipline pursuant to NRS 1.4653.~~

~~—7. The Commission shall adopt rules regarding disclosure and discovery after the filing of a formal statement of charges.~~

~~—8. By leave of the Commission, a statement of formal charges may be amended at any time, before the close of the hearing, to allege additional matters discovered in a subsequent investigation or to conform to proof presented at the hearing if the judge has adequate time, as determined by the Commission, to prepare a defense.] (Deleted by amendment.)~~

~~Sec. 7. [NRS 1.468 is hereby amended to read as follows:~~

~~—1.468 1. Except as otherwise provided in subsections 2 and 3, if the Commission reasonably believes that a judge has committed an act or engaged in a behavior that would be addressed most appropriately through rehabilitation, treatment, education or minor corrective action, the Commission may enter into an agreement with the judge to defer formal disciplinary proceedings and require the judge to undergo the rehabilitation, treatment, education or minor corrective action.~~

~~—2. The Commission may not enter into an agreement with a judge to defer formal disciplinary proceedings if the Commission has determined, pursuant to NRS 1.467, that there is a reasonable probability [that the evidence available for introduction at a formal hearing could clearly and convincingly], *supported by clear and convincing evidence*, to establish grounds for disciplinary action against the judge pursuant to NRS 1.4653.~~

~~3. The Commission may enter into an agreement with a judge to defer formal disciplinary proceedings only in response to misconduct that is minor in nature.~~

~~4. A deferred discipline agreement entered into pursuant to this section must be in writing and must specify the conduct that resulted in the agreement. A judge who enters into such an agreement must agree:~~

~~(a) To the specified rehabilitation, treatment, education or minor corrective action;~~

~~(b) To waive the right to a hearing before the Commission; and~~

~~(c) That the agreement will not be protected by confidentiality for the purpose of any subsequent disciplinary proceedings against the judge,~~

~~and the agreement must indicate that the judge agreed to the terms set forth in paragraphs (a), (b) and (c). Such an agreement must expressly authorize the Commission to revoke the agreement and proceed with any other disposition of the complaint or formal statement of charges authorized by NRS 1.467 if the Commission finds that the judge has failed to comply with a condition of the agreement.~~

~~5. The Executive Director of the Commission shall monitor the compliance of the judge with the agreement. The Commission may require the judge to document his or her compliance with the agreement. The Commission shall give the judge written notice of any alleged failure to comply with any condition of the agreement and shall allow the judge not less than 15 days to respond.~~

~~6. If the judge complies in a satisfactory manner with the conditions imposed in the agreement, the Commission may dismiss the complaint or take any other appropriate action. **(Deleted by amendment.)**~~

Sec. 8. The Commission on Judicial Discipline:

1. Shall apply the amendatory provisions of this act which govern the procedures applicable to proceedings arising under NRS 1.425 to 1.4695, inclusive, to any such proceedings that are within the jurisdiction of the Commission and are commenced on or after the effective date of this act, whether or not the conduct at issue in such proceedings occurred before the effective date of this act.

2. May apply the amendatory provisions of this act which govern the procedures applicable to proceedings arising under NRS 1.425 to 1.4695, inclusive, to any such proceedings that were commenced before the effective date of this act and are still within the jurisdiction of the Commission and pending before the Commission on the effective date of this act, unless the Commission determines that such an application would be impracticable, unreasonable or unconstitutional under the circumstances, in which case the Commission shall apply the procedures in effect before the effective date of this act.

Sec. 9. 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. 34.

Bill read second time.

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

Amendment No. 372.

AN ACT relating to governmental financial administration; authorizing the State Treasurer to invest in certain securities issued or guaranteed by certain supranational organizations or issued by a foreign financial institution, corporation or government; authorizing certain political subdivisions of the State to invest in such securities; expanding the types of governmental entities authorized to invest in certain additional securities; revising the requirements for certain investments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Treasurer is responsible for the investment of money of the State unless a specific statute imposes this responsibility on some other person with respect to particular money. (NRS 226.110) The State Treasurer is also responsible for the investment of certain money that the State holds in trust, such as the money in the Nevada Higher Education Prepaid Tuition Trust Fund. (NRS 353.160) In addition, existing law authorizes the State Treasurer to invest all money of the State's General Portfolio in specified categories of securities. (NRS 355.140) Existing law provides separate authorization for the State Treasurer to invest money held in certain funds, such as the Nevada Higher Education Prepaid Tuition Trust Fund and the State Permanent School Fund. (NRS 353B.160, 355.060)

Existing law authorizes the governing body of certain local governments to invest money only in certain specified securities. (NRS 355.170) Existing law similarly authorizes a board of county commissioners, a board of trustees of a county school district or the governing body of an incorporated city to invest money in certain additional securities. (NRS 355.171)

The Board of Trustees of the College Savings Plans of Nevada is required to develop policies for investment to be followed by the State Treasurer in investing money in the Nevada Higher Education Prepaid Tuition Trust Fund. (NRS 353B.160) **Section 1** of this bill expands the list of authorized investments for the Trust Fund to include: (1) certain bonds, notes and other obligations that are issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank; and (2) certain bonds, notes and other obligations, commonly called "Yankee bonds," that are issued by a foreign financial institution, corporation or government. **Sections 2 and 3** of this bill similarly expand the list of authorized investments for money in

the State Permanent School Fund and money invested through the General Portfolio. **Section 3** also increases, from 20 to 25 percent, the maximum share of the aggregate value of the General Portfolio that is authorized to be invested in the commercial paper, notes, bonds or other obligations of certain corporations and depository institutions operating in the United States.

Section 4 of this bill authorizes the governing body of certain local governments and certain administrative entities established by cooperative agreements entered into by cities and counties to invest in the additional types of securities described above. **Section 6** of this bill makes a conforming change. **Sections 4 and 5** of this bill increase, from 20 to 25 percent, the maximum share of the aggregate value of the portfolios of certain local governments that is authorized to be invested in the commercial paper, notes, bonds or other obligations of certain corporations and depository institutions and require that not more than 5 percent of the value of such a portfolio be in the obligations of a single corporation or depository institution. **Section 5** also authorizes additional local governments and certain administrative entities established by cooperative agreements entered into by cities and counties to invest in certain securities, which, under existing law, are authorized investments only for certain boards of county commissioners, boards of trustees of certain county school districts and the governing bodies of certain incorporated cities.

Existing law places various requirements on money in the State's General Portfolio and the investment of the money of certain local governments. (NRS 355.140, 355.170, 355.171) **Sections 3-5** eliminate the requirement that certain securities be sold as soon as possible if the rating of the security falls below the level required by existing law. ~~For certain investments by local governments, section 5 replaces this requirement with a requirement that the rating reduction be reported to the local government.~~ **Sections 3-5 instead require that the State Treasurer or local government, as applicable, take certain actions to preserve the principal value and the integrity of the portfolio as a whole and report such actions to the State Board of Finance.**

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

Section 1. NRS 353B.160 is hereby amended to read as follows:

353B.160 1. The Board shall create a comprehensive plan that specifies the policies for investment which the State Treasurer shall follow in administrating the Trust Fund.

2. The Board may authorize the State Treasurer to invest the property of the Trust Fund in:

(a) A bond, note, certificate or other general obligation of the State of Nevada, or of a county, city, general improvement district or school district of the State of Nevada.

(b) A corporate bond of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States with

a rating not lower than “A” or its equivalent by a nationally recognized rating service. The total amount invested in such bonds must not exceed 50 percent of the book value of the total fixed income investments of the Trust Fund.

(c) Commercial paper of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States or of a wholly owned subsidiary of such a corporation with a rating not lower than “A-3” or “P-3” by a nationally recognized rating service.

(d) A bond, note, debenture or other valid obligation that is issued by the Treasury of the United States.

(e) A bond, note, debenture or other security that is issued by an agency or instrumentality of the United States or that is fully guaranteed by the United States in:

- (1) The Federal Farm Credit ~~Bank;~~ **Banks Funding Corporation;**
- (2) The Federal National Mortgage Association;
- (3) The Federal Home Loan ~~Bank;~~ **Banks;**
- (4) The Federal Home Loan Mortgage Corporation; or
- (5) The Government National Mortgage Association.

(f) A bond, note, debenture or other security in the Student Loan Marketing Association, regardless of whether it is guaranteed by the United States.

(g) ***A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:***

- (1) *Is denominated in United States dollars;*
- (2) *Is a senior unsecured unsubordinated obligation;*
- (3) *At the time of purchase has a remaining term to maturity of 5 years or less; and*
- (4) *Is rated by a nationally recognized rating service as “AA” or its equivalent, or better,*

↪ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the Trust Fund at the time of purchase.

(h) ***A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:***

- (1) *Is denominated in United States dollars;*
- (2) *Is a senior unsecured unsubordinated obligation;*
- (3) *Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;*
- (4) *Is publicly traded;*
- (5) *Is purchased from a registered broker-dealer;*
- (6) *At the time of purchase has a remaining term to maturity of 5 years or less; and*
- (7) *Is rated by a nationally recognized rating service as “AA” or its equivalent, or better,*

↪ *except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the Trust Fund as determined at the time of purchase.*

(i) Collateralized mortgage obligations that are rated “AAA” or its equivalent by a nationally recognized rating service.

~~(h)~~ (j) Asset-backed securities that are rated “AAA” or its equivalent by a nationally recognized rating service.

~~(i)~~ (k) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as “A” or its equivalent, or better; and

(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities.

↪ The total dollar amount invested in such mutual funds must not exceed 20 percent of the total dollar amount of the Trust Fund that is invested.

~~(j)~~ (l) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated ~~Quotations~~ **Quotation** System, NASDAQ;

(2) The outstanding shares of the corporation have a total market value of not less than \$50,000,000;

(3) The maximum investment in stock is not greater than 60 percent of the book value of the total investments of the Trust Fund;

(4) Except for investments made pursuant to paragraph ~~(m)~~ (o), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the Trust Fund; and

(5) Except for investments made pursuant to paragraph ~~(m)~~ (o), the total amount of shares owned by the Trust Fund is not greater than 5 percent of the outstanding stock of a single corporation.

~~(k)~~ (m) A covered call or put option on securities that are traded on one or more of the regulated exchanges in the United States.

~~(l)~~ (n) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the Board as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the Trust Fund.

~~(m)~~ (o) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to ~~(l)~~ (n), inclusive.

3. The State Treasurer shall exercise the standard of care in investing the property of the Trust Fund that a person of prudence, discretion and intelligence would exercise in the management of his or her own affairs, given the prevailing circumstances, not in regard to speculation but rather to the permanent disposition of the property, considering the potential income from and the probable safety of his or her capital.

4. Subject to the terms, conditions, limitations and restrictions set forth in this section, the State Treasurer may sell, assign, transfer or dispose of the property and investments of the Trust Fund upon the approval of a majority of the Board.

5. The assets of the Trust Fund:

(a) Must be maintained, invested and expended solely for the purposes of NRS 353B.010 to 353B.190, inclusive; and

(b) Must not be loaned, transferred or otherwise used for a purpose other than the purposes of NRS 353B.010 to 353B.190, inclusive.

6. The State Treasurer shall credit any income derived from an investment or a gain from a sale or exchange of an investment to the Trust Fund.

7. The State Treasurer shall acquire each investment for the Trust Fund at a price not to exceed the prevailing market value for such an investment.

8. Each investment in the Trust Fund must be clearly marked to indicate ownership by the Trust Fund.

9. The State Treasurer, an employee of the State Treasurer, or a member or employee of the Board shall not:

(a) Have a direct or indirect interest in the income, gain or profit of an investment that the State Treasurer makes;

(b) Receive pay or emolument for his or her services in connection with an investment that the State Treasurer makes; or

(c) Become an endorser, surety or obligor for money that is borrowed from the Trust Fund.

10. If the annual actuarial study performed pursuant to NRS 353B.190 reveals that there is insufficient money to ensure the actuarial soundness of the Trust Fund, the Board shall modify the terms of subsequent prepaid tuition contracts.

11. The terms, conditions, limitations and restrictions regarding investments of the Trust Fund listed in this section apply only at the time an investment is originally acquired and must not be construed to require the liquidation of an investment at any time.

Sec. 2. NRS 355.060 is hereby amended to read as follows:

355.060 1. The State Controller shall notify the State Treasurer monthly of the amount of uninvested money in the State Permanent School Fund.

2. Whenever there is a sufficient amount of money for investment in the State Permanent School Fund, the State Treasurer shall proceed to negotiate for the investment of the money in:

(a) United States bonds.

(b) *A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:*

- (1) *Is denominated in United States dollars;*
- (2) *Is a senior unsecured unsubordinated obligation;*
- (3) *At the time of purchase has a remaining term to maturity of 5 years or less; and*
- (4) *Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,*
 \rightarrow *except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.*

(c) *A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:*

- (1) *Is denominated in United States dollars;*
- (2) *Is a senior unsecured unsubordinated obligation;*
- (3) *Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;*
- (4) *Is publicly traded;*
- (5) *Is purchased from a registered broker-dealer;*
- (6) *At the time of purchase has a remaining term to maturity of 5 years or less; and*
- (7) *Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,*
 \rightarrow *except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.*

(d) *Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States.*

~~{(e)}~~ (e) *Bonds of this state or of other states.*

~~{(d)}~~ (f) *Bonds of any county of the State of Nevada.*

~~{(e)}~~ (g) *United States treasury notes.*

~~{(f)}~~ (h) *Farm mortgage loans fully insured and guaranteed by the Farm Service Agency of the United States Department of Agriculture.*

~~{(g)}~~ (i) *Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances.*

~~{(h)}~~ (j) *Money market mutual funds that:*

- (1) *Are registered with the Securities and Exchange Commission;*

(2) Are rated by a nationally recognized rating service as “AAA” or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

~~+(i)~~ **(k)** Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated ~~Quotations~~ **Quotation** System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than \$50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the State Permanent School Fund;

(4) Except for investments made pursuant to paragraph ~~+(k)~~ **(m)**, the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the State Permanent School Fund; and

(5) Except for investments made pursuant to paragraph ~~+(k)~~ **(m)**, the total amount of shares owned by the State Permanent School Fund is not greater than 5 percent of the outstanding stock of a single corporation.

~~+(i)~~ **(l)** A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the State Permanent School Fund.

~~+(k)~~ **(m)** Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to ~~+(j)~~ **(l)**, inclusive.

~~+(i)~~ **(n)** The limited partnerships or limited-liability companies described in NRS 355.280.

3. The State Treasurer shall not invest any money in the State Permanent School Fund pursuant to paragraph ~~+(i), (j) or~~ **(k), (l) or (m)** of subsection 2 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any investments of the State Treasurer made pursuant to paragraph ~~+(i), (j) or~~ **(k), (l) or (m)** of subsection 2. The State Treasurer shall establish such criteria for the qualifications of such an independent contractor as are appropriate to

ensure that each independent contractor has expertise in the management of such investments.

4. In addition to the investments authorized by subsection 2, the State Treasurer may make loans of money from the State Permanent School Fund to school districts pursuant to NRS 387.526.

5. No part of the State Permanent School Fund may be invested pursuant to a reverse-repurchase agreement.

Sec. 3. NRS 355.140 is hereby amended to read as follows:

355.140 1. In addition to other investments provided for by a specific statute, the following bonds and other securities are proper and lawful investments of any of the money of this state, of its various departments, institutions and agencies, and of the State Insurance Fund:

- (a) Bonds and certificates of the United States;
- (b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;
- (c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Agricultural Mortgage Corporation, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States;
- (d) Bonds of this state or other states of the Union;
- (e) Bonds of any county of this state or of other states;
- (f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;
- (g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over all other obligations of the districts;
- (h) Bonds of school districts within this state;
- (i) Bonds of any general improvement district whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state, if:
 - (1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and
 - (2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;
- (j) Medium-term obligations for counties, cities and school districts authorized pursuant to chapter 350 of NRS;
- (k) Loans bearing interest at a rate determined by the State Board of Finance when secured by first mortgages on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;

(l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

(m) Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks;

(n) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System, except that acceptances may not exceed 180 days' maturity, and may not, in aggregate value, exceed 20 percent of the total par value of the portfolio as determined ~~on~~ *at the date* time of purchase;

(o) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

↪ except that investments pursuant to this paragraph may not, in aggregate value, exceed ~~20~~ 25 percent of the total par value of the portfolio as determined ~~on~~ *at the date* time of purchase. ~~It must be sold as soon as possible.~~ *If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;*

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that do not qualify pursuant to paragraph (m), issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

↪ except that investments pursuant to this paragraph may not, in aggregate value, exceed ~~20~~ 25 percent of the total par value of the portfolio ~~and it~~ as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible; ~~as determined at the time of purchase;~~ the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;

(q) *A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:*

- (1) *Is denominated in United States dollars;*
- (2) *Is a senior unsecured unsubordinated obligation;*
- (3) *At the time of purchase has a remaining term to maturity of 5 years or less; and*

(4) *Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,*

↪ *except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase;*

(r) *A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:*

- (1) *Is denominated in United States dollars;*
- (2) *Is a senior unsecured unsubordinated obligation;*
- (3) *Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;*

- (4) *Is publicly traded;*
- (5) *Is purchased from a registered broker-dealer;*
- (6) *At the time of purchase has a remaining term to maturity of 5 years or less; and*

(7) *Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,*

↪ *except that investment pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase;*

(s) *Money market mutual funds which:*

- (1) *Are registered with the Securities and Exchange Commission;*
- (2) *Are rated by a nationally recognized rating service as "AAA" or its equivalent; and*

(3) *Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities;*

~~[(t)]~~ (t) Collateralized mortgage obligations that are rated by a nationally recognized rating service as “AAA” or its equivalent; and

~~[(s)]~~ (u) Asset-backed securities that are rated by a nationally recognized rating service as “AAA” or its equivalent.

2. Repurchase agreements are proper and lawful investments of money of the State and the State Insurance Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The State Treasurer shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements to the State Treasurer;

(2) The State Treasurer has determined to have adequate capitalization and earnings and appropriate assets to be highly credit worthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the State Treasurer and the State Board of Finance pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the State Treasurer and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act, 11 U.S.C. §§ 101 et seq.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the State when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the State concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

3. As used in subsection 2:

(a) “Counterparty” means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

- (1) A registered broker-dealer;
- (2) Designated by the Federal Reserve Bank of New York as a “primary” dealer in United States government securities; and
- (3) In full compliance with all applicable capital requirements.

(b) “Repurchase agreement” means a purchase of securities by the State or State Insurance Fund from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

4. No money of this state may be invested pursuant to a reverse-repurchase agreement, except money invested pursuant to chapter 286 of NRS.

Sec. 4. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in this section and NRS 354.750 and 355.171, the governing body of a local government *or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, that is not a local government* may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years after the date of purchase.

(b) *A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:*

- (1) Is denominated in United States dollars;*
- (2) Is a senior unsecured unsubordinated obligation;*
- (3) At the time of purchase has a remaining term to maturity of 5 years or less; and*

(4) Is rated by a nationally recognized rating service as “AA” or its equivalent, or better,

↪ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.

(c) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

- (1) Is denominated in United States dollars;*
- (2) Is a senior unsecured unsubordinated obligation;*
- (3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, §§ 77a et seq., as amended;*

(4) Is publicly traded;

(5) Is purchased from a registered broker-dealer;

(6) At the time of purchase has a remaining term to maturity of 5 years or less; and

(7) Is rated by a nationally recognized rating service as “AA” or its equivalent, or better,

↳ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.

(d) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

~~[(e)]~~ *(e)* Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years after the date of purchase.

~~[(d)]~~ *(f)* Obligations of an agency or instrumentality of the United States of America or a corporation sponsored by the government, the maturity date of which is not more than 10 years after the date of purchase.

~~[(e)]~~ *(g)* Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks.

~~[(f)]~~ *(h)* Securities which have been expressly authorized as investments for local governments by any provision of Nevada Revised Statutes or by any special law.

~~[(g)]~~ *(i)* Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions, insured savings and loan associations or insured savings banks, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a “county treasurer” or “board of county commissioners” shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

~~[(h)]~~ *(j)* Subject to the limitations contained in NRS 355.177, negotiable notes or medium-term obligations issued by local governments of the State of Nevada pursuant to NRS 350.087 to 350.095, inclusive.

~~[(i)]~~ *(k)* Bankers’ acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers’ acceptances may not exceed 180 days’ maturity. Purchases of bankers’ acceptances may not exceed 20 percent of the money available to a local government for investment as determined ~~on~~ at the ~~date~~ time of purchase.

~~[(j)]~~ *(l)* Obligations of state and local governments:

(1) If:

(I) The interest on the obligation is exempt from gross income for federal income tax purposes; and

(II) The obligation has been rated “A” or higher by one or more nationally recognized bond credit rating agencies; or

(2) If the obligation is secured by the proceeds that are paid into the tax increment account of a tax increment area created by a municipality pursuant to NRS 278C.220.

~~[(k)]~~ (m) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) ~~Is purchased from a registered broker-dealer;~~

~~—(2)~~ At the time of purchase has a remaining term to maturity of no more than 270 days; and

~~[(3)]~~ (2) Is rated by a nationally recognized rating service as “A-1,” “P-1” or its equivalent, or better,

↪ except that investments pursuant to this paragraph may not, in aggregate value, exceed ~~[(20)]~~ 25 percent of the total *par value of the* portfolio as determined ~~[(on)]~~ at the ~~[(date)]~~ time of purchase, and ~~[(if)]~~ not more than 5 percent of the total par value of the portfolio may be invested in commercial paper issued by any one corporation or depository institution. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible.

~~—(1) not more than 5 percent of the total par value of the portfolio may be in commercial paper issued by any one corporation or depository institution; the investment advisor must report the reduction in the rating to the governing body of the local government that purchased the investment, the governing body of the local government or, if the purchase was effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments, the State Treasurer must take such action as the governing body or State Treasurer deems appropriate to preserve the principal value and integrity of the portfolio as a whole and the governing body or State Treasurer, as applicable, must report to the State Board of Finance any action taken pursuant to this paragraph.~~

(n) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as “AAA” or its equivalent; and

(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as “A-1,” “P-1” or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).

~~[(m)]~~ (o) Obligations of the Federal Agricultural Mortgage Corporation.

2. Repurchase agreements are proper and lawful investments of money of a governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The governing body of the local government shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements;

(2) The governing body of the local government has determined to have adequate capitalization and earnings and appropriate assets to be highly creditworthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the governing body of the local government pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the governing body of the local government and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The governing body of the local government must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the governing body of the local government when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the governing body of the local government concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

3. The securities described in paragraphs (a), ~~[(b)] (d)~~ and ~~[(c)] (e)~~ of subsection 1 and the repurchase agreements described in subsection 2 may be purchased when, in the opinion of the governing body of the local government, there is sufficient money in any fund of the local government to purchase those securities and the purchase will not result in the impairment of the fund for the purposes for which it was created.

4. When the governing body of the local government has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1 or 2, those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

5. Any interest earned on money invested pursuant to subsection 3, may, at the discretion of the governing body of the local government, be credited to the fund from which the principal was taken or to the general fund of the local government.

6. The governing body of a local government may invest any money apportioned into funds and not invested pursuant to subsection 3 and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year after the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the local government.

7. This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

8. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

(c) "Repurchase agreement" means a purchase of securities by the governing body of a local government from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 5. NRS 355.171 is hereby amended to read as follows:

355.171 1. Except as otherwise provided in this section, ~~[(a) a board of county commissioners, a board of trustees of a county school district or]~~ the governing body of ~~[(an incorporated city)]~~ **a local government or an**

administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, that is not a local government may purchase for investment:

(a) Notes, bonds and other unconditional obligations for the payment of money issued by corporations organized and operating in the United States that:

- (1) Are purchased from a registered broker-dealer;
- (2) At the time of purchase have a remaining term to maturity of no more than 5 years; and
- (3) Are rated by a nationally recognized rating service as “A” or its equivalent, or better.

(b) Collateralized mortgage obligations that are rated by a nationally recognized rating service as “AAA” or its equivalent.

(c) Asset-backed securities that are rated by a nationally recognized rating service as “AAA” or its equivalent.

2. With respect to investments purchased pursuant to paragraph (a) of subsection 1:

(a) Such investments must not, in aggregate value, exceed ~~20~~ 25 percent of the total *par value of the* portfolio as determined ~~on~~ at the ~~date~~ time of purchase;

(b) Not more than ~~25~~ 5 percent of ~~such investments~~ *the total par value of the portfolio* may be in notes, bonds and other unconditional obligations issued by any one corporation; and

(c) If the rating of an obligation is reduced to a level that does not meet the requirements of that paragraph, the ~~obligation~~ *investment adviser* must, ~~be sold~~ as soon as possible ~~+~~, *report the reduction in the rating to the governing body of the local government that purchased the investment.*

3. Subsections 1 and 2 do not:

(a) Apply to a:

(1) Board of county commissioners of a county whose population is less than 100,000;

(2) Board of trustees of a county school district in a county whose population is less than 100,000; ~~or~~

(3) Governing body of an incorporated city whose population is less than 150,000 ~~+~~;

(4) *Governing body of a local government not specified in subparagraph (1), (2) or (3) if the population subject to the jurisdiction of the governing body or served by the governing body is less than 100,000; or*

(5) *Governing body of an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, if the population subject to the jurisdiction of the governing body or served by the governing body is less than 150,000,*

↪ unless the purchase is effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments or by an investment adviser who is registered with the Securities and Exchange Commission and approved by the State Board of Finance.

(b) Authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

4. As used in this section, “local government” has the meaning ascribed to it in NRS 354.474.

Sec. 6. NRS 355.176 is hereby amended to read as follows:

355.176 Any money held by a local government pursuant to a deferred compensation plan may be invested in the types of investments set forth in paragraphs (a) to ~~(f)~~ **(h)**, inclusive, of subsection 1 of NRS 355.170 and may additionally be invested in corporate stocks, bonds and securities, mutual funds, savings and loan or savings bank accounts, credit union accounts, life insurance policies, annuities, mortgages, deeds of trust or other security interests in real or personal property.

Sec. 7. 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. 56.

Bill read second time.

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

Amendment No. 452.

AN ACT relating to public works; requiring the State Public Works Board of the State Public Works Division of the Department of Administration to submit biennially to the Governor and the Legislature its recommendations for projects for deferred maintenance; revising provisions governing the delegation by the Administrator of the Division of certain authority to a state agency relating to public works; revising the circumstances under which the Division is required to furnish engineering and architectural services to a state agency; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Public Works Board of the State Public Works Division of the Department of Administration to submit to the Governor and to the Legislature before October 1 of each even-numbered year its recommendations for projects for capital improvements in the next biennium. (NRS 341.083) **Section 2** of this bill requires the Board to also submit to the Governor and to the Legislature its recommendations for projects for deferred maintenance in the next biennium by that same deadline.

Under existing law, the Administrator of the Division is authorized to delegate certain authority of the Division relating to projects of construction, repair or reconstruction of the State, known as public works, to a requesting state agency relating to its own public work. (NRS 341.119) **Section 3** of this bill requires the Administrator to delegate such authority to a requesting state

agency relating to its own public work if the agency demonstrates to the Administrator that it has sufficient experience in various aspects of designing and managing the construction of a public work. If the Administrator denies an agency's request for the delegation of such authority, **section 3** authorizes the state agency to file a written appeal with the State Public Works Board for a hearing on the request. **Section 1** of this bill makes a conforming change.

Existing law exempts the Division from the requirement of providing engineering and architectural services to certain state agencies for certain types of buildings and improvements. (NRS 341.141) **Section 4** of this bill also exempts the Division from the requirement of providing engineering and architectural services for nonstructural remodeling or repair of buildings **and remodeling or repair of improvements** of the Nevada National Guard estimated to cost less than ~~[\$200,000.]~~ **\$250,000.** In addition, **section 4** changes the exemption in existing law for buildings of the State Department of Conservation and Natural Resources in state parks or of the Department of Wildlife from nonresidential buildings with less than 1,000 square feet in floor area to buildings with less than 3,000 square feet in floor area.

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

Section 1. NRS 341.070 is hereby amended to read as follows:

341.070 The Board shall:

1. Adopt such rules for the regulation of its proceedings and the transaction of its business as it deems proper.
2. Meet as necessary to conduct the business of the Board for the following purposes:
 - (a) Submitting reports and making recommendations as required pursuant to NRS 341.083;
 - (b) Adopting regulations; and
 - (c) Presiding over appeals taken on the following matters:
 - (1) *Delegation of authority by the Administrator to a state agency pursuant to NRS 341.119;*
 - (2) The qualification of contractors; and
 - ~~[(2)]~~ (3) Disputes regarding contracts.

Sec. 2. NRS 341.083 is hereby amended to read as follows:

341.083 1. The Board shall submit reports and make recommendations relative to its findings to the Governor and to the Legislature. The Board shall particularly recommend to the Governor and to the Legislature the priority of construction of any buildings or other construction work now authorized or that may hereafter be authorized or proposed.

2. The Board shall submit before October 1 of each even-numbered year its recommendations for ~~projects~~:

(a) **Projects** for capital improvements in the next biennium. The recommendations must, to the extent practicable, provide that each project which exceeds a cost of \$10,000,000 be scheduled to receive funding for

design and planning during one biennium and funding for construction in the subsequent biennium.

(b) Projects for deferred maintenance in the next biennium.

Sec. 3. NRS 341.119 is hereby amended to read as follows:

341.119 1. Except as otherwise provided in ~~this~~ subsection ~~1~~ 2, upon the request of the head of a state agency, the Administrator ~~may~~ **shall** delegate to that agency any of the authority granted the Division pursuant to NRS 341.141 to 341.148, inclusive ~~1~~, **if the Administrator determines, based on written evidence submitted by the agency, that the agency has sufficient experience to design and manage the construction of the public work, including, without limitation, experience in:**

- (a) Planning, designing and estimating the costs of a public work;**
- (b) Preparing detailed plans and specifications for a public work;**
- (c) Complying with the provisions of chapter 338 of NRS, including, without limitation, provisions relating to bidding, awarding contracts and payment of prevailing wages;**
- (d) Drafting construction contract documents;**
- (e) Developing a schedule for the construction of a public work, including, without limitation, the design, bidding and construction phases; and**
- (f) Selecting a consultant to assist with a public work.**

2. The Administrator shall not delegate the powers described in subsection 2 of NRS 341.145.

~~2~~ 3. **If the Administrator denies the request of an agency for the delegation of authority pursuant to subsection 1, the agency may file a written appeal with the Board. The Board shall set the matter for a hearing within 20 days after receipt of the appeal. The hearing must be held not later than 45 days after receipt of the appeal.**

4. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the Division concerning a construction project or to approve the advance planning of a project.

Sec. 4. NRS 341.141 is hereby amended to read as follows:

341.141 1. The Division shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building **or improvement** constructed on state property or for which the money is appropriated by the Legislature ~~1~~ **or the remodel or repair of such a building or improvement**, except:

- (a) Buildings used in maintaining highways;
- (b) ~~Improvements, other than nonresidential buildings~~ **The remodel or repair of buildings of the Nevada National Guard which:**

(1) Do not affect the safety or change the structural elements of the building; and

(2) *Are estimated to cost less than ~~(\$200,000)~~ \$250,000;*

(c) The remodel or repair of improvements of the Nevada National Guard which are estimated to cost less than \$250,000;

(d) Buildings with ~~more~~ less than ~~1,000~~ 3,000 square feet in floor area of or improvements made ~~by~~ by:

(1) ~~In state parks by the~~ The State Department of Conservation and Natural Resources ~~in state parks;~~ or

(2) ~~By the~~ The Department of Wildlife;

~~(e)-(d)~~ (e) Buildings of the Nevada System of Higher Education:

(1) That are exempted pursuant to subsection 1 of NRS 341.1407; or

(2) To which subsection 1 of NRS 341.1407 applies if the Administrator has delegated his or her authority in accordance with NRS 341.119; and

~~(d)-(e)~~ (f) Buildings on property controlled by other state agencies if the Administrator has delegated his or her authority in accordance with NRS 341.119.

↪ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 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. 114.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 334.

SUMMARY—Revises provisions governing the prevention of suicide by pupils. (BDR ~~34-647~~) **S-647**)

~~CONTAINS UNFUNDED MANDATE (§ 2)~~

~~(Not Requested by Affected Local Government)~~

AN ACT relating to education; requiring the ~~State Board of Education to establish a course of study in the prevention of suicide for pupils in certain grades; requiring licensed educational personnel to receive training in certain topics relating to suicide by pupils;~~ **reporting of certain information concerning courses and training related to suicide among pupils; requiring the reporting of certain information relating to suicide,**

attempted suicide and suicidal ideation by pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations establishing certain courses of study, including a course of study in the prevention of suicide, and the grade levels for which the courses of study apply. (NRS 389.021) ~~[Section 1 of this bill specifically requires the State Board to adopt regulations establishing courses of study in the prevention of suicide for pupils in grade levels 5-12.]~~

Existing law authorizes the governing body of a regional training program to facilitate and coordinate access to information by teachers and administrators concerning issues related to suicide by pupils. (NRS 391A.185) ~~[Section 2 of this bill requires the board of trustees of each school district and the governing body of each charter school to ensure that the licensed educational personnel employed by the school district or charter school, as applicable, receive training concerning certain topics relating to suicide among pupils.]~~ **This bill requires the board of trustees of each school district and the governing body of each charter school to submit to the Department of Education certain information concerning: (1) courses of study for pupils in the prevention of suicide; (2) training for teachers and administrators in the prevention of suicide among pupils; and (3) incidents of suicide, attempted suicide and suicidal ideation by pupils. This bill also requires the Department to compile that information into a report and submit that report to the Legislature.**

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

Section 1. ~~[NRS 389.021 is hereby amended to read as follows:
389.021 1. The State Board shall adopt regulations establishing courses of study and the grade levels for which the courses of study apply for:
(a) The academic subjects set forth in NRS 389.018. A course of study in health prescribed pursuant to paragraph (c) of subsection 3 of NRS 389.018 must, for pupils enrolled in middle school, junior high school or high school, including, without limitation, pupils enrolled in those grade levels at a charter school, include instruction in:
(1) The administration of hands only or compression only cardiopulmonary resuscitation, including a psychomotor skill-based component, according to the guidelines of the American Red Cross or American Heart Association;
(2) The use of an automated external defibrillator; and
(3) Organ and tissue donation, including, without limitation:
(I) How to register as a donor and the rules governing donor gifts in this State pursuant to NRS 451.500 to 451.598, inclusive;
(II) The societal and individual benefits of organ and tissue donation;~~
and

- ~~— (III) Facts about organ and tissue donation.~~
- ~~— (b) Citizenship and physical training for pupils enrolled in high school.~~
- ~~— (c) Physiology, hygiene and, except as otherwise prescribed by paragraph (a), cardiopulmonary resuscitation.~~
- ~~— (d) [The prevention of suicide.~~
- ~~— (e)] Instruction relating to child abuse.~~
- ~~— [(f)] (e) The economics of the American system of free enterprise.~~
- ~~— [(g)] (f) American Sign Language.~~
- ~~— [(h)] (g) Environmental education.~~
- ~~— [(i)] (h) Adult roles and responsibilities.~~

~~* A course of study established for paragraph (a) may include one or more of the subjects listed in paragraphs (b) to [(i),] (h), inclusive.~~

~~— 2. ***The State Board shall adopt regulations establishing courses of study in the prevention of suicide for pupils in grades 5 to 12, inclusive.***~~

~~— 3. A teacher who provides instruction pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 is not required to hold certification in the administration of cardiopulmonary resuscitation unless required by the board of trustees of the school district pursuant to NRS 391.092 or by the governing body of the charter school.~~

~~— [3.] 4. The board of trustees of the school district, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils may collaborate with entities to assist in the provision of the instruction required pursuant to paragraph (a) of subsection 1 and the provision of equipment necessary for the instruction, including, without limitation, fire departments, hospitals, colleges and universities and public health agencies.~~

~~— [4.] 5. A pupil who is enrolled in a course of study in health through a program of distance education or a pupil with a disability who cannot perform the tasks included in the instruction required pursuant to paragraph (a) of subsection 1 is not required to complete the instruction to pass the course of study in health.] **(Deleted by amendment.)**~~

Sec. 2. ~~[Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— 1. ***The board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school, as applicable, receive training concerning:***~~

- ~~— (a) Identification of warning signs that pupils may be suicidal; and~~
- ~~— (b) Prevention of suicide by pupils, including, without limitation, the manner in which to refer pupils who display such warning signs to appropriate services.~~

~~— 2. ***Receipt of training pursuant to subsection 1 does not create a duty for any person in addition to those duties otherwise required in the course of his or her employment.*** **(Deleted by amendment.)**~~

~~Sec. 3. [The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 3.5. 1. On or before March 1, 2020, the board of trustees of each school district and the governing body of each charter school shall submit to the Department of Education a report concerning:

(a) Courses of study in the prevention of suicide offered to pupils enrolled in the school district or charter school during the 2019-2020 school year pursuant to paragraph (d) of subsection 1 of NRS 389.021;

(b) Training provided during the 2019-2020 school year to teachers and administrators employed by the school district or charter school concerning the prevention of suicide by pupils, including without limitation:

(1) A statement of whether the school district or charter school provides such training;

(2) The amount of time that teachers and administrators receive such training;

(3) The number of administrators who received such training;

(4) The number of teachers who received such training;

(5) A description of the content of the training;

(6) An identification of any person or entity, other than employees of the school district or charter school, as applicable, who provides such training; and

(7) A description of any plan to implement, revise or improve such training; and

(c) The number of incidents of suicide, attempted suicide or suicidal ideation by pupils enrolled in the school district or charter school, as applicable, during the 2019-2020 school year.

2. On or before April 1, 2020, the Department shall compile a report of the information received pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education.

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

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. 129.

Bill read second time.

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

Amendment No. 413.

AN ACT relating to emergency response; requiring certain first responders to receive training concerning identifying and interacting with persons with

developmental disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of ambulance attendants and firefighters and the certification of emergency medical technicians, advanced emergency medical technicians, paramedics and peace officers. (NRS 289.550, 450B.160, 450B.180) **Sections 2, 4 and 11** of this bill require each ~~[of those persons to receive 2 hours of]~~ **applicant for such licensure or certification to complete** training concerning persons with developmental disabilities before initial licensure or certification, as applicable. ~~[, and every 2 years thereafter.]~~ **Sections 1, 3, 5-10 and 12** of this bill make conforming changes. **Section 13 of this bill requires a person who, on October 1, 2019, is licensed as an ambulance attendant or firefighter or certified as an emergency medical technician, advanced emergency medical technician, paramedic or peace officer to submit proof on or before October 1, 2020, that he or she has completed the additional training concerning persons with developmental disabilities required by section 2, 4 or 11.**

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

Section 1. NRS 450B.064 is hereby amended to read as follows:

450B.064 "Emergency medical services registered nurse" means a registered nurse who is issued a certificate to serve as an attendant by the State Board of Nursing pursuant to subsection ~~8~~ **9** of NRS 450B.160.

Sec. 2. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

- (1) The name and address of the applicant;
- (2) The name and address of the employer of the applicant; and
- (3) A description of the applicant's duties.

(d) ***Proof that the applicant has completed the training required by subsection 4.***

(e) Such other certificates for training and such other items as the board may specify.

4. *In addition to the training required by subsection 3, each applicant for a license must complete ~~at least 2 hours of in-person~~ training concerning identifying and interacting with persons with developmental disabilities. ~~Each licensee shall complete such training during each renewal period after initial licensure.~~*

5. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

~~5.~~ 6. Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service.

~~6.~~ 7. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

~~7.~~ 8. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

- (a) Advanced life-support procedures for patients who require cardiac care;
- (b) Life-support procedures for pediatric patients who require cardiac care; and
- (c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

↪ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

~~8.~~ 9. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection ~~7~~ 8 if the licensed physician, licensed physician assistant or registered nurse ~~completes the training described in subsection 10 and~~ attends:

- (a) A course offered by a national organization which is nationally recognized for issuing such certification;
- (b) Training conducted by the operator of an ambulance or air ambulance; or
- (c) Any other course or training,

↪ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification.

10. ~~In addition to the requirements of subsections 8 and 9, a licensed physician, registered nurse or licensed physician assistant shall, as a condition of certification pursuant to subsection 8, complete at least 2 hours of in-person training concerning identifying and interacting with persons~~

~~with developmental disabilities. Such training must be completed every 2 years after initial certification. Training completed pursuant to this subsection also satisfies the requirement for such training prescribed by NRS 450B.180 or section 11 of this act, if applicable.~~

~~11.]~~ As used in this section, “developmental disability” has the meaning ascribed to it in NRS 435.007.

Sec. 3. NRS 450B.171 is hereby amended to read as follows:

450B.171 Except as otherwise provided in this chapter, unlicensed relatives of a sick or injured patient and other persons may ride in an ambulance if there are two attendants in the ambulance, each of whom is licensed pursuant to this chapter or exempt from licensing pursuant to subsection ~~6~~ 7 of NRS 450B.160.

Sec. 4. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician, advanced emergency medical technician or paramedic must apply to the health authority using forms prescribed by the health authority.

2. The health authority, pursuant to regulations and procedures adopted by the board, shall make a determination of the applicant’s qualifications to be certified as an emergency medical technician, advanced emergency medical technician or paramedic and shall issue the appropriate certificate to each qualified applicant.

3. A certificate is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards established by the board pursuant to this chapter. The regulations and standards established by the board must provide for the completion of ~~1a~~ :

(a) A course of instruction, within 2 years after initial ~~licensure,~~ **certification**, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

~~(a)~~ (1) An overview of acts of terrorism and weapons of mass destruction;

~~(b)~~ (2) Personal protective equipment required for acts of terrorism;

~~(c)~~ (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

~~(d)~~ (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

~~(e)~~ (5) An overview of the information available on, and the use of, the Health Alert Network.

↪ The board may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

(b) ~~[At least 2 hours of in-person training.]~~ **Training before initial certification** ~~[and every 2 years thereafter,]~~ concerning identifying and

interacting with persons with developmental disabilities. Training completed pursuant to this paragraph also satisfies the requirement for such training prescribed by NRS 450B.160 or section 11 of this act, if applicable.

4. The health authority may suspend or revoke a certificate if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS 425.540, the holder of the certificate may appeal the suspension or revocation of his or her certificate pursuant to regulations adopted by the board.

5. The board shall determine the procedures and techniques which may be performed by an emergency medical technician, advanced emergency medical technician or paramedic.

6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health.

7. The Division shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the Division or a district board of health.

8. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

9. As used in this section:

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

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

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

(d) "***Developmental disability***" has the meaning ascribed to it in NRS 435.007.

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

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

Sec. 5. NRS 450B.1905 is hereby amended to read as follows:

450B.1905 1. A program of training for certification as an emergency medical technician must be:

(a) Supervised by a physician and approved by the health authority; or

(b) Presented by a national organization which is nationally recognized for providing such training and approved by the board.

2. A program of training for certification as an emergency medical technician must follow the curriculum or educational standards prepared by the United States Department of Transportation as a national standard for emergency medical technicians.

3. The board may adopt regulations which prescribe other requirements of training for certification as an emergency medical technician.

4. An owner of an ambulance shall not offer emergency medical care to a patient in urgent need of medical care or observation unless the attendant has successfully completed a program of training for certification as an emergency medical technician or is exempt, pursuant to subsection ~~6~~ 7 of NRS 450B.160, from the requirement to obtain that training.

5. The board may by regulation prescribe additional requirements for receiving and maintaining certification as an emergency medical technician. The curriculum or educational standards for training must be:

- (a) At the level of advanced first aid; or
- (b) At least equivalent to any curriculum or educational standards prepared by the Department of Transportation as a national standard for emergency medical technicians.

Sec. 6. NRS 450B.191 is hereby amended to read as follows:

450B.191 1. A program of training for certification as an advanced emergency medical technician must be supervised by a licensed physician and approved by the health authority.

2. A program of training for certification as an advanced emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the board is eligible for this training.

3. In order to maintain certification, each advanced emergency medical technician must annually:

- (a) Comply with the requirements established by the board for continuing medical education; and
- (b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as an advanced emergency medical technician. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for advanced emergency medical technicians.

5. A person shall not represent himself or herself to be an advanced emergency medical technician unless the person has on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section.

6. Except as authorized by subsection ~~6~~ 7 of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as an advanced emergency medical technician without fulfilling the requirements established by the board.

Sec. 7. NRS 450B.195 is hereby amended to read as follows:

450B.195 1. Only a certified emergency medical technician with experience as established by the board is eligible for training as a paramedic.

2. A program of training for certification as a paramedic must be supervised by a licensed physician and approved by the health authority.

3. To maintain certification, each paramedic must annually:

- (a) Comply with the requirements established by the board for continuing medical education; and
- (b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as a paramedic. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for paramedics.

5. A person shall not represent himself or herself to be a paramedic unless the person has on file with the health authority a currently valid certificate evidencing the person's successful completion of the program of training required by this section.

6. Except as authorized by subsection ~~6~~ 7 of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as a paramedic without fulfilling the requirements established by the board.

Sec. 8. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section, the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter or exempt from licensing pursuant to subsection ~~6~~ 7 of NRS 450B.160, except as otherwise provided in subsection 5 or in geographic areas which may be designated by the board and for which the board may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, or a person exempt from licensing pursuant to subsection ~~6~~ 7 of NRS 450B.160, in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:

(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

6. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.

Sec. 9. NRS 450B.655 is hereby amended to read as follows:

450B.655 "Dedicated advanced life support ambulance" means an ambulance equipped to provide advanced life support that:

1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and

2. Is staffed by:

(a) At least one licensed attendant who is an emergency medical technician and one licensed attendant who is a paramedic; or

(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a) and each of whom is licensed pursuant to this chapter or exempt from licensure pursuant to subsection ~~6~~ 7 of NRS 450B.160.

Sec. 10. NRS 450B.660 is hereby amended to read as follows:

450B.660 “First-aid station” means a fixed location at the site of a special event that is staffed by:

1. At least one licensed attendant who is an emergency medical technician, advanced emergency medical technician or paramedic; or

2. A person with a higher level of skill than the levels described in subsection 1 who is capable of providing emergency medical care within his or her scope of practice and is licensed pursuant to this chapter or exempt from licensure pursuant to subsection ~~6~~ 7 of NRS 450B.160.

Sec. 11. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Peace Officers’ Standards and Training Commission shall require, as a condition of the certification of each peace officer, the completion of ~~[at least 2 hours of]~~ training concerning identifying and interacting with persons with developmental disabilities. ~~[Such training must be completed every 2 years after initial certification.]~~

2. Training completed pursuant to this section also satisfies the requirement for such training prescribed by NRS 450B.160 or 450B.180, if applicable.

3. As used in this section, “developmental disability” has the meaning ascribed to it in NRS 435.007.

Sec. 12. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.650, inclusive, *and section 11 of this act*, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 13. A person who, on October 1, 2019, is:

1. Licensed as an attendant or firefighter pursuant to NRS 450B.160;

2. Certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to NRS 450B.180; or

3. Certified as a peace officer pursuant to chapter 289 of NRS, ↪ must submit on or before October 1, 2020, proof that he or she has completed the training required, as applicable, by subsection 4 of NRS 450B.160, as amended by section 2 of this act, paragraph (b) of subsection

3 of NRS 450B.180, as amended by section 4 of this act, or section 11 of this act.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that upon return from the printer, Assembly Bill No. 129 be placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 451.

SUMMARY—~~[Makes various changes]~~ **Revises provisions** relating to ~~[elections]~~ **certain polling places**, (BDR 24-800)

CONTAINS UNFUNDED MANDATE (§§ ~~[2, 4,]~~ 10, ~~[20,]~~ 21, ~~[36, 38, 47,]~~ **42, 48**)

(Not Requested by Affected Local Government)

AN ACT relating to elections; ~~[authorizing an elector to register to vote or update voter registration information during the period for early voting and on the day of certain elections and setting forth the requirements for such registration or update;]~~ revising certain provisions related to establishing polling places within the boundaries of Indian reservations and Indian colonies; ~~[revising certain provisions relating to voting after the time that polls close; requiring a provisional ballot to include all offices, candidates and measures upon which the person casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot; extending the period for early voting in certain counties and cities;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law sets forth deadlines for registering to vote by mail, computer or appearing in person at the office of a county or city clerk. (NRS 293.560, 293C.527) The last day to register to vote for a primary election, primary city election, general election or general city election: (1) by mail is the fourth Tuesday preceding the election; (2) by appearing in person at the office of the county or city clerk, as applicable, is the third Tuesday preceding the election; and (3) by computer is the Thursday preceding the first day of the period for early voting for the election. Sections 2, 4, 36 and 38 of this bill authorize an elector to register to vote in person or to update his or her voter registration~~

~~information for a primary, primary city, general or general city election: (1) during the period for early voting; and (2) on the day of the election. Additionally, sections 2, 4, 36 and 38 require the county or city clerk to designate one or more polling places in the county or city as a site for registering to vote or updating voter registration information during early voting and on election day. To register to vote or to update his or her voter registration information, an elector must appear at such a site, complete an application to register to vote or to update his or her voter registration information and provide his or her driver's license or an identification card issued by the Department of Motor Vehicles as proof of identity and residence. Upon completion of the application or update and verification of identity and residence, the elector is deemed registered to vote or his or her voter registration is deemed updated, and the elector may vote in that election only at the polling place at which he or she has registered to vote or updated his or her voter registration information. Sections 5-9, 11-14, 22-34, 39-41, 43-46 and 49-57 of this bill make conforming changes.]~~

Existing law requires, under certain circumstances, county and city clerks to establish at least one polling place for the day of a primary election, general election, primary city election or general city election, as applicable, within the boundaries of an Indian reservation or Indian colony at a location or locations approved by the Indian tribe upon the request of the Indian tribe. (NRS 293.2733, 293C.2675) Existing law also requires, under certain circumstances, county and city clerks to establish at least one temporary branch polling place for early voting within the boundaries of an Indian reservation or Indian colony upon the request of an Indian tribe. (NRS 293.3572, 293C.3572) **Sections 10, 21, 42 and 48** of this bill provide that if a county or city clerk establishes a polling place for the day of an election or for early voting upon the request of an Indian tribe, the county or city clerk shall continue to establish such a polling place within the boundaries of the Indian reservation or Indian colony for future elections or early voting, unless otherwise requested by the Indian tribe.

~~[Existing law requires polls to close at 7 p.m. on election day and provides that any person waiting in line at 7 p.m. is entitled to vote. (NRS 293.2546, 293.273, 293.305, 293C.267, 293C.297) Sections 14 and 45 of this bill provide that if there are still people waiting in line to vote, register to vote or update voter registration information at 7 p.m., any registered voter who enters the line after 7 p.m. must also be allowed to vote.~~

~~— Sections 3 and 37 of this bill provide that any person waiting in line to vote, register to vote or update voter registration information before the hour set for the closing of the polls on any day during early voting must be admitted to vote. Sections 3 and 37 also provide that any registered voter who gets in line to vote after the hour set for the closing of the polls during early voting, if there is still a line of persons waiting to vote, register to vote or update voter registration information at that time, must be admitted to vote.~~

~~Existing law authorizes a person to cast a provisional ballot if the person completes a written affirmation and: (1) declares that he or she is registered to vote and is eligible to vote in the election in the jurisdiction but his or her name does not appear on the election register; (2) has registered to vote by mail or computer, has not voted in an election for federal office in this State and fails to provide identification to an election board officer at the polling place; or (3) declares that he or she is entitled to vote after the polling place would close as a result of certain court orders. A provisional ballot allows the person casting it to vote only for candidates for federal office. After the election, provisional ballots are kept separate from regular ballots and are only counted towards the result of the election under certain circumstances. (NRS 293.3081-293.3085) Sections 15-17 of this bill require provisional ballots to include all offices, candidates and ballot questions on which the person who is casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot. Sections 18 and 19 of this bill make conforming changes.~~

~~Existing law sets forth the period for early voting by personal appearance at a primary or general election which begins the third Saturday before the election and extends through the Friday before the election and excludes Sundays and federal holidays. (NRS 293.3568, 293C.3568) Section 20 of this bill requires the period for early voting in a county with a population of 100,000 or more (currently Clark and Washoe Counties) to extend to the Monday before the election and include Sundays in that period. Section 20 also authorizes a county clerk in a county with a population of less than 100,000 to extend the period for early voting to the Monday before the election. Section 47 of this bill requires the period for early voting in a city located in a county whose population is 100,000 or more to extend through the Monday before the election. Section 47 also authorizes the city clerk in a city located in a county whose population is less than 100,000 to extend the period for early voting through the Monday before the election.~~

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

Section 1. ~~{Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.} **(Deleted by amendment.)**~~

Sec. 2. ~~*H. Each county clerk shall designate one or more permanent polling places for early voting by personal appearance in the county as a site for an elector of the county to:*~~

~~*(a) Register to vote; or*~~

~~*(b) Update his or her voter registration information, including, without limitation, updating his or her:*~~

~~*(1) Address;*~~

~~*(2) Political party affiliation; and*~~

~~*(3) Name.*~~

~~2. Each polling place designated by the county clerk pursuant to subsection 1 must:~~

~~(a) Allow an elector to register to vote or update his or her voter registration information using a computer system capable of verifying the accuracy of the elector's information provided in the application to register to vote or update to his or her voter registration information, as applicable; and~~

~~(b) Be approved by the board of county commissioners.~~

~~3. An elector may register to vote or update his or her voter registration information, as applicable, in person during the period for early voting at any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides during the period of early voting.~~

~~4. To register to vote or update his or her voter registration information during the period for early voting, an elector must:~~

~~(a) Appear before the close of polls at a polling place designated by the county clerk pursuant to subsection 1;~~

~~(b) Complete the application to register to vote or to update his or her voter registration information, as applicable, by computer; and~~

~~(c) Provide his or her current and valid driver's license or an identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.~~

~~5. An elector who registers to vote or updates his or her voter registration information pursuant to this section shall be deemed to be registered to vote or have updated his or her voter registration information, as applicable, upon:~~

~~(a) A determination that the application to register to vote or update to his or her voter registration information is complete; and~~

~~(b) The verification of the elector's identity and residency.~~

~~6. An elector who registers to vote or updates his or her voter registration information pursuant to this section may vote in the election only at the polling place at which the elector registers to vote or updates his or her voter registration information, as applicable.~~

~~7. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 5 a voter registration card as described in NRS 293.517 as soon as practicable after the election. (Deleted by amendment.)~~

Sec. 3. ~~H. If at the hour of closing the polls during the period for early voting there are:~~

~~(a) Any registered voters waiting to vote; or~~

~~(b) If the polling place has been designated pursuant to section 2 of this act as a site for an elector of the county to register to vote or to update his or her voter registration information during the period for early voting, any persons waiting to register to vote or to update voter registration information, as applicable,~~

~~→ voting must continue at the polling place until those persons and any persons described in subsection 2 have voted.~~

~~2. Any registered voter who enters the line after the hour of closing the polls and while there are still registered voters waiting to vote or persons waiting to register to vote or to update voter registration information, as applicable, must be allowed to vote.] (Deleted by amendment.)~~

Sec. 4. ~~I. Each county clerk shall:~~

~~(a) Designate one or more polling places in the county as a site for an elector of the county on the day of a primary election or general election to:~~

~~(1) Register to vote; or~~

~~(2) Update his or her voter registration information, including, without limitation, updating his or her:~~

~~(I) Address;~~

~~(II) Political party affiliation; and~~

~~(III) Name.~~

~~(b) Publish during the week before the election in a newspaper of general circulation a notice of the location of each polling place in the county that has been designated pursuant to paragraph (a).~~

~~(c) Post a list of the location of each polling place designated pursuant to paragraph (a) on any bulletin board used for posting notice of the meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. Each polling place designated by the county clerk pursuant to subsection 1 must:~~

~~(a) Allow an elector to register to vote or update his or her voter registration information using a computer system capable of verifying the accuracy of the elector's information provided in the application to register to vote or update to his or her voter registration information, as applicable; and~~

~~(b) Be approved by the board of county commissioners.~~

~~3. An elector may register to vote or update his or her voter registration information, as applicable, in person on the day of a primary election or general election at any polling place designated pursuant to subsection 1 by the county clerk of the county where the elector resides.~~

~~4. To register to vote or to update his or her voter registration information on the day of the primary election or general election, an elector must:~~

~~(a) Appear before the close of polls at a polling place designated by the county clerk pursuant to subsection 1;~~

~~(b) Complete the application to register to vote or to update his or her voter registration information, as applicable, by computer; and~~

~~(e) Provide his or her current and valid driver's license or an identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.~~

~~5. An elector who registers to vote or updates his or her voter registration information pursuant to this section shall be deemed to be registered to vote or have updated his or her voter registration information, as applicable, upon:~~

~~(a) A determination that the application to register to vote or update to his or her voter registration information is complete; and~~

~~(b) The verification of the elector's identity and residency.~~

~~6. An elector who registers to vote or updates his or her voter registration information pursuant to this section may vote in the primary election or general election only at the polling place at which the elector registers to vote or updates his or her voter registration information, as applicable.~~

~~7. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 5 a voter registration card as described in NRS 293.517 as soon as practicable after the election.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 293.095 is hereby amended to read as follows:~~

~~293.095 "Roster" means the record in printed or electronic form furnished to election board officers which [contains a list of eligible voters and] is to be used for obtaining the signature of each person applying for a ballot [.] and, except for a roster designated for electors who register to vote or update their voter registration information pursuant to section 2, 4, 36 or 38 of this act, contains a list of eligible voters.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 293.12757 is hereby amended to read as follows:~~

~~293.12757 A person may sign a petition required under the election laws of this State on or after the date the person is deemed to be registered to vote pursuant to NRS 293.4855 or 293.517 or subsection 7 of NRS 293.5235 [.] or section 2, 4, 36 or 38 of this act.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 293.2546 is hereby amended to read as follows:~~

~~293.2546 The Legislature hereby declares that each voter has the right:~~

~~1. To receive and cast a ballot that:~~

~~(a) Is written in a format that allows the clear identification of candidates; and~~

~~(b) Accurately records the voter's preference in the selection of candidates.~~

~~2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place;~~

~~3. To vote without being intimidated, threatened or coerced.~~

~~4. To vote on election day if the voter is waiting in line to vote, register to vote or update his or her voter registration information before 7 p.m. at [his or her] a polling place at which he or she is entitled to vote [before 7 p.m.], register to vote or update his or her voter registration information and the voter has not already cast a vote in that election;~~

~~5. To return a spoiled ballot and is entitled to receive another ballot in its place.~~

~~6. To request assistance in voting, if necessary.~~

~~7. To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law.~~

~~8. To receive instruction in the use of the equipment for voting during early voting or on election day.~~

~~9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.~~

~~10. To have a uniform, statewide standard for counting and recounting all votes accurately.~~

~~11. To have complaints about elections and election contests resolved fairly, accurately and efficiently. (Deleted by amendment.)~~

Sec. 8. ~~NRS 293.2725 is hereby amended to read as follows:~~

~~293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083, in sections 2, 4, 36 and 38 of this act, and in federal law, a person who registers to vote by mail or computer or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:~~

~~(a) May vote at a polling place only if the person presents to the election board officer at the polling place:~~

~~(1) A current and valid photo identification of the person, which shows his or her physical address; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and~~

~~(b) May vote by mail only if the person provides to the county or city clerk:~~

~~(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~* If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.~~

~~2. The provisions of subsection 1 do not apply to a person who:~~

~~(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:~~

~~(1) A copy of a current and valid photo identification; or~~

~~(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates~~

the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

~~—(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;~~

~~—(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;~~

~~—(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;~~
or

~~—(e) Is entitled to vote otherwise than in person under any other federal law.~~
~~—3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person pursuant to [subsection 6 of] NRS 293.517 is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service. (Deleted by amendment.)~~

Sec. 9. ~~NRS 293.273~~ is hereby amended to read as follows:

~~—293.273 1. Except as otherwise provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.~~

~~—2. [Whenever] *Except as otherwise provided in this subsection, whenever* at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed. *The provisions of this subsection do not apply to a polling place designated pursuant to section 4 or 38 of this act as a site for an elector to register to vote or update his or her voter registration information on the day of the election.*~~

~~—3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~—4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title. (Deleted by amendment.)~~

Sec. 10. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary election or general election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the primary election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location must satisfy the criteria the county clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. *If the county clerk establishes one or more polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election or general election, the county clerk must continue to establish one or more polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary election or general election unless otherwise requested by the Indian tribe.*

Sec. 11. ~~[NRS 293.275 is hereby amended to read as follows:~~

~~293.275 No election board may perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it [the]:~~

~~1. The roster for the polling place [.] ; and~~

~~2. *If the polling place is designated pursuant to section 4 or 38 of this act as a site for an elector to register to vote or update his or her voter registration information on the day of the election, the roster designated for electors who register to vote or update voter registration information pursuant to that section.* (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293.277 is hereby amended to read as follows:~~

~~293.277 1. Except as otherwise provided in NRS 293.283 and 293.541, if a person's name appears in the roster , [or] if the person provides an affirmation pursuant to NRS 293.525 [.] *or if the person registered to vote or updated his or her voter registration information on the day of the primary election or general election pursuant to section 4 of this act,* the person is~~

entitled to vote and must sign his or her name in the *appropriate* roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

~~2. Except as otherwise provided in NRS 293.2725, the forms of identification which may be used individually to identify a voter at the polling place are:~~

~~(a) The card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote;~~

~~(b) A driver's license;~~

~~(c) An identification card issued by the Department of Motor Vehicles;~~

~~(d) A military identification card; or~~

~~(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.~~

~~3. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 293.296 is hereby amended to read as follows:~~

~~293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:~~

~~(a) The voter's employer or an agent of the voter's employer; or~~

~~(b) An officer or agent of the voter's labor organization.~~

~~2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.~~

~~3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.~~

~~4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at [his or her] a polling place [.] at which he or she is entitled to vote.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 293.305 is hereby amended to read as follows:~~

~~293.305 1. If at the hour of closing the polls there are any [registered]:~~

~~(a) Registered voters waiting to vote [,]; or~~

~~(b) If the polling place has been designated pursuant to section 4 of this act as a site for an elector of the county to register to vote or update his or her voter registration information on the day of the election, persons waiting to register to vote or update voter registration information,~~

~~the doors of the polling place must be closed after all such [voters] persons and any person described in subsection 2 have been admitted to the polling place. Voting, and, if applicable the registration of voters or updating voter registration information, must continue until those [voters] persons and any person described in subsection 2 have voted.~~

~~2. Any registered voter who enters the line on election day after the hour of closing the polls while there are still registered voters waiting to vote or persons waiting to register to vote or update voter registration information, as applicable, must be allowed to vote.~~

~~3. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed for the purpose of observing or any other legitimate purpose if there is room within the polling place and such admittance will not interfere unduly with the voting [], the registration of voters or the updating of voter registration information.] (Deleted by amendment.)~~

Sec. 15. [NRS 293.3081 is hereby amended to read as follows:

~~293.3081 1. A person at a polling place may cast a provisional ballot in an election [to vote for a candidate for federal office] if the person complies with the applicable provisions of NRS 293.3082 and:~~

~~[1.] (a) Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;~~

~~[2.] (b) Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or~~

~~[3.] (c) Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.~~

~~2. A provisional ballot must include all offices, candidates and measures upon which the person who is casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot.] (Deleted by amendment.)~~

Sec. 16. [NRS 293.3082 is hereby amended to read as follows:

~~293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:~~

~~(a) The name of the person casting the provisional ballot;~~

~~(b) The reason for casting the provisional ballot;~~

~~— (e) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;~~

~~— (d) The date and type of election;~~

~~— (e) The signature of the person casting the provisional ballot;~~

~~— (f) The signature of the election board officer;~~

~~— (g) A unique affirmation identification number assigned to the person casting the provisional ballot;~~

~~— (h) If the person is casting the provisional ballot pursuant to *paragraph (a)* of subsection 1 of NRS 293.3081:~~

~~— (1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;~~

~~— (2) The address of the person as listed on the application to register to vote;~~

~~— (3) Information concerning the place, manner and approximate date on which the person applied to register to vote;~~

~~— (4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and~~

~~— (5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day ; [and that failure to do so will result in the provisional ballot not being counted;]~~

~~— (i) If the person is casting the provisional ballot pursuant to *paragraph (b)* of subsection [2] 1 of NRS 293.3081:~~

~~— (1) The address of the person as listed on the application to register to vote;~~

~~— (2) The voter registration number, if any, issued to the person; and~~

~~— (3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day ; [and that failure to do so will result in the provisional ballot not being counted; and]~~

~~— (j) If the person is casting the provisional ballot pursuant to *paragraph (c)* of subsection [3] 1 of NRS 293.3081, the voter registration number, if any, issued to the person.~~

~~— 2. After a person completes a written affirmation pursuant to subsection 1:~~

~~— (a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted; and~~

~~— (b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot . [; and~~

~~(e) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices. (Deleted by amendment.)~~

Sec. 17. ~~[NRS 293.3083 is hereby amended to read as follows:~~

~~293.3083 A person may cast a ballot by mail, [to vote for a candidate for federal office,] which must be treated as a provisional ballot by the county or city clerk if the person:~~

~~1. Applies by mail or computer to register to vote and has not previously voted in an election for federal office in this State;~~

~~2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that the person mails the ballot; and~~

~~3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082. (Deleted by amendment.)~~

Sec. 18. ~~[NRS 293.3084 is hereby amended to read as follows:~~

~~293.3084 Each county and city clerk shall establish procedures to:~~

~~1. Keep each provisional ballot cast pursuant to NRS 293.3081 or 293.3083 separate from other ballots until it has been determined whether or not the voter was registered and eligible to vote in the election in that jurisdiction;~~

~~2. Keep each provisional ballot cast pursuant to *paragraph (c) of subsection [3] 1* of NRS 293.3081 separate from all other provisional ballots; and~~

~~3. Inform a person whose name does not appear on a voter registration list as an eligible voter for a polling place or who an election official asserts is not eligible to vote at the polling place of the ability of the person to cast a provisional ballot. (Deleted by amendment.)~~

Sec. 19. ~~[NRS 293.3085 is hereby amended to read as follows:~~

~~293.3085 1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.~~

~~2. The county and city clerk shall not:~~

~~(a) Include any provisional ballot in the unofficial results reported on election night; or~~

~~(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.~~

~~3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:~~

~~(a) The county or city clerk determines that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which the person resides;~~

~~(b) A voter who failed to provide required identification at the polling place or with his or her mailed ballot provides the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day;~~

~~or~~

~~(e) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to *paragraph (e) of subsection [3] 1* of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to *paragraph (e) of subsection [3] 1* of NRS 293.3081.~~

~~4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides. **(Deleted by amendment.)**~~

Sec. 20. ~~[NRS 293.3568 is hereby amended to read as follows:~~

~~293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and:~~

~~(a) In a county whose population is 100,000 or more, extends through the Monday before election day, federal holidays excepted. The county clerk in such a county may include any federal holiday that falls within the period for early voting by personal appearance.~~

~~(b) In a county whose population is less than 100,000, except as otherwise provided in subparagraph (1), extends through the Friday before election day, Sundays and federal holidays excepted. The county clerk in such a county may:~~

~~(1) Extend the period for early voting by personal appearance through the Monday before election day.~~

~~(2) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.~~

~~2. [The county clerk may:~~

~~(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.~~

~~(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.~~

~~3. A permanent polling place for early voting must remain open:~~

~~(a) On Monday through Friday:~~

~~(1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.~~

~~(b) On Monday during the third week of early voting, if applicable, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.~~

~~(c) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.~~

~~(c) If the] *The county clerk may require a permanent polling place for early voting to remain open until 8 p.m. on any such Saturday.*~~

~~(d) On every Sunday that falls within the period for early voting pursuant to *paragraph (a) of subsection 1* or any Sunday included in the period for early voting by a county clerk [includes a Sunday that falls within the period for early voting,] pursuant to *subparagraph (2) of paragraph (b) of subsection [2.] 1*, during such hours as the county clerk may establish.~~

~~(c) On any federal holiday included in the period for early voting by a county clerk pursuant to subsection 1, during such hours as the county clerk may establish.] (Deleted by amendment.)~~

Sec. 21. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 3, the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the Indian tribe may submit a request to the county clerk for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the general election is to be held.

(2) If the request is for a general election, the first Friday in July of the year in which the general election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof. Any proposed location must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. *If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the county clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.*

6. The provisions of subsection ~~3~~ ~~4~~ of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the

period for early voting by personal appearance, as determined by the county clerk.

~~{6.}~~ 7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~{7.}~~ 8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 22. ~~{NRS 293.3576 is hereby amended to read as follows:~~

~~293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:~~

~~(a) The location of each permanent and temporary polling place for early voting;~~

~~(b) The dates and hours that early voting will be conducted at each location;~~

~~(c) *The location of each permanent polling place for early voting designated by the county clerk pursuant to section 2 of this act as a site for an elector of the county to register to vote or update his or her voter registration information during the period for early voting.*~~

~~2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.~~

~~3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.~~

~~4. No additional polling places for early voting may be established after the schedule is published pursuant to this section. **(Deleted by amendment.)**~~

Sec. 23. ~~{NRS 293.3585 is hereby amended to read as follows:~~

~~293.3585 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:~~

~~(a) Determine that the person is a registered voter in the county;~~

~~(b) Instruct the voter to sign the roster for early voting, [or] a signature card [.] *or the roster designated for electors who register to vote or update voter registration information during the period for early voting pursuant to section 2 of this act, as applicable.*~~

~~(c) Verify the signature of the voter in the manner set forth in NRS 293.277.~~

~~(d) Verify that the voter has not already voted in the current election. **[pursuant to this section.]**~~

~~2. If the signature of the voter does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~—(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~—(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote.~~

~~—3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~—4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in the current election. [pursuant to this section.]~~

~~—5. The roster for early voting or a signature card, as applicable, must contain:~~

~~—(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;~~

~~—(b) The voter's precinct or voting district number, if that information is available; and~~

~~—(c) The date of voting early in person.~~

~~—6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.~~

~~—7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:~~

~~—(a) Prepare the mechanical recording device for the voter;~~

~~—(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the county clerk uses voting receipts; and~~

~~—(c) Allow the voter to cast a vote.~~

~~—8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303. (Deleted by amendment.)~~

Sec. 24. [NRS 293.3604 is hereby amended to read as follows:

~~—293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:~~

~~—1. At the close of each voting day, the election board shall:~~

~~—(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~—(1) The title of the election;~~

~~—(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~—(3) The number of ballots voted on the mechanical recording device for that day;~~

~~— (4) The number of signatures in the roster for early voting for that day; [and]~~

~~— (5) The number of signatures on signature cards for the day [.] ; and~~

~~— (6) *The number of signatures in the roster designated for electors who registered to vote or updated voter registration information during the period for early voting pursuant to section 2 of this act, if applicable.*~~

~~— (b) Secure:~~

~~— (1) The ballots pursuant to the plan for security required by NRS 293.3594; and~~

~~— (2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.~~

~~— 2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:~~

~~— (a) The statements for all polling places for early voting;~~

~~— (b) The voting rosters used for early voting;~~

~~— (c) The signature cards used for early voting;~~

~~— (d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~— (e) Any other items as determined by the county clerk.~~

~~— 3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~— (a) Indicate the number of ballots on an official statement of ballots; and~~

~~— (b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place. **(Deleted by amendment.)**~~

Sec. 25. ~~[NRS 293.4689 is hereby amended to read as follows:~~

~~— 293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:~~

~~— (a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; [and]~~

~~— (b) *The location of every polling place designated pursuant to section 4 of this act as a site for an elector to register to vote or update his or her voter registration information on election day; and*~~

~~— (c) The abstract of votes required pursuant to the provisions of NRS 293.388.~~

~~— 2. The abstract of votes required to be maintained on the website pursuant to paragraph [(b)] (c) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~— 3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet~~

maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.] **(Deleted by amendment.)**

Sec. 26. ~~[NRS 293.469 is hereby amended to read as follows:~~

~~—293.469— Each county clerk is encouraged to:~~

~~—1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection [4] 5 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296, 293.313, 293.316 and 293.3165.~~

~~—2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.~~

~~—3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:~~

~~—(a) Related to elections; and~~

~~—(b) Made available by the county clerk to the public in printed form.]~~

(Deleted by amendment.)

Sec. 27. ~~[NRS 293.4855 is hereby amended to read as follows:~~

~~—293.4855— 1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may, *except as otherwise provided in subsection 2*, preregister to vote by any of the means available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.~~

~~—2. *A person may not preregister to vote or update his or her preregistration information at a polling place designated pursuant to section 2, 4, 36 or 38 of this act as a site for an elector to register to vote or update voter registration information during the period for early voting by personal appearance or on the day of an election, as applicable.*~~

~~—3. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:~~

~~—(a) The person's preregistration has been cancelled as described in subsection [7.] 8; or~~

~~—(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.~~

~~—[3.] 4. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection [2] 3 a voter registration card as~~

~~described in [subsection 6 of] NRS 293.517 [as soon as practicable] *immediately* after the person is deemed to be registered to vote.~~

~~[4.] 5. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.~~

~~[5.] 6. If a person preregistered to vote:~~

~~(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.~~

~~(b) In person, he or she shall be deemed to have registered to vote in person.~~

~~[6.] 7. The preregistration information of a person may be updated by any of the means for updating the voter registration information of a person pursuant to this chapter.~~

~~[7.] 8. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.~~

~~[8.] 9. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.~~

~~[9.] 10. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:~~

~~(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection [2] 3 the person is immediately issued a voter registration card and added to the statewide voter registration list and the registrar of voters' register; and~~

~~(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.] **(Deleted by amendment.)**~~

~~Sec. 28. [NRS 293.517 is hereby amended to read as follows:~~

~~293.517 1. Any person who meets the qualifications set forth in NRS 293.4855 residing within the county may preregister to vote and any elector residing within the county may register to vote:~~

~~(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to preregister or register to vote, and providing proof of residence and identity;~~

~~(b) By completing and mailing or personally delivering to the county clerk an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;~~

~~(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS;~~

~~—(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or~~

~~—(e) By submitting an application to preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~→ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection [6] 7 does not provide proof of the residence or identity of a person.~~

~~—2. In addition to the methods for registering to vote described in subsection 1, an elector may register to vote or update his or her voter registration information at a polling place designated pursuant to section 2, 4, 36 or 38 of this act as a site for an elector to register to vote or update his or her voter registration information during the period for early voting by personal appearance or on the day of an election, as applicable.~~

~~—3. The application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.~~

~~—[3.] 4. Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.~~

~~—[4. A]~~

~~—5. Except as otherwise provided in sections 2, 4, 36 and 38 of this act, a person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:~~

~~—(a) At the office of the county clerk or field registrar;~~

~~—(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;~~

~~—(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;~~

~~—(d) At any voter registration agency; or~~

~~—(e) By submitting an application to preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.~~

~~→ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.~~

~~[5.] 6. Except as otherwise provided in subsection [7.] 8, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.~~

~~[6.] 7. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:~~

~~(a) The name, address, political affiliation and precinct number of the voter;~~

~~(b) The date of issuance; and~~

~~(c) The signature of the county clerk.~~

~~[7.] 8. If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:~~

~~(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and~~

~~(b) The county clerk should proceed to process the application;~~

~~→ If the district attorney advises the county clerk to process the application, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection [6.] 7, if applicable.] **(Deleted by amendment.)**~~

Sec. 29. ~~[NRS 293.5235 is hereby amended to read as follows:~~

~~293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by mailing an application to preregister or register to vote to the county clerk of the county in which the person resides or may preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to preregister to vote may be used to correct information in a previous application. An application to register to vote may be used to correct information in the registrar of voters' register.~~

~~2. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various~~

locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

~~3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.~~

~~4. The county clerk shall, upon receipt of an application, determine whether the application is complete.~~

~~5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:~~

~~(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card as required by [subsection 6 of] NRS 293.517; or~~

~~(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:~~

~~(a) A notice that the applicant is:~~

~~(1) Preregistered to vote; or~~

~~(2) Registered to vote and a voter registration card as required by [subsection 6 of] NRS 293.517; or~~

~~(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.~~

~~If the applicant does not provide the additional information within the prescribed period, the application is void.~~

~~7. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.~~

~~8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.~~

~~9. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:~~

~~—(a) Mail, which must be used to preregister or register to vote by mail in this State.~~

~~—(b) Computer, which must be used to preregister or register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

~~—10. The application to preregister or register to vote by mail must include:~~

~~—(a) A notice in at least 10 point type which states:~~

~~—NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.~~

~~—(b) The question, “Are you a citizen of the United States?” and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.~~

~~—(c) If the application is to:~~

~~—(1) Preregister to vote, the question, “Are you at least 17 years of age and not more than 18 years of age?” and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.~~

~~—(2) Register to vote, the question, “Will you be at least 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.~~

~~—(d) A statement instructing the applicant not to complete the application if the applicant checked “no” in response to the question set forth in:~~

~~—(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).~~

~~—(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).~~

~~—(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.~~

~~—11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.~~

~~—12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the~~

~~person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.~~

~~13. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.~~

~~14. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.~~

~~15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.~~

~~16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~17. The Secretary of State shall adopt regulations to carry out the provisions of this section. (Deleted by amendment.)~~

Sec. 30. ~~[NRS 293.525 is hereby amended to read as follows:~~

~~293.525 1. [Any] *Except as otherwise provided in subsection 4 and sections 2 and 4 of this act, any* elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:~~

~~(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.~~

~~(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.~~

~~2. If an elector alleges that the records in the registrar of voters' register or the roster incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.~~

~~3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.~~

~~4. *The election board officer shall inform an elector who has changed residence after the last preceding general election that the elector may update his or her voter registration information at a polling place designated pursuant to section 2 or 4 of this act.*~~

~~5. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the roster. (Deleted by amendment.)~~

Sec. 31. [NRS 293.560 is hereby amended to read as follows:

~~293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:~~

~~(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:~~

~~(1) By mail is the fourth Tuesday preceding the primary or general election.~~

~~(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding the primary or general election.~~

~~(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.~~

~~(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding the recall or special election.~~

~~2. Except as otherwise provided in sections 2, 4, 36 and 38 of this act, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.~~

~~3. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person [.] pursuant to subparagraph (2) of paragraph (a) of subsection 1. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days a person may register to vote in person pursuant to subparagraph (2) of paragraph (a) of subsection 1 if approved by the board of county commissioners.~~

~~[3.] 4. For a general election:~~

~~(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person [.] pursuant to subparagraph (2) of paragraph (a) of subsection 1. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.~~

~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which a person may register to vote in person [.] pursuant to subparagraph (2) of paragraph (a) of subsection 1, according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~[4.] 5. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~— (a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:~~

~~— (1) The day and time that registration will be closed; and~~

~~— (2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.~~

~~— If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.~~

~~— (b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~— [5.] 6. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even numbered year.~~

~~— [6.] 7. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035. **(Deleted by amendment.)**~~

Sec. 32. ~~[NRS 293.563 is hereby amended to read as follows:~~

~~— 293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for [each]:~~

~~— (a) *Each* polling place a roster containing the registered voters eligible to vote at the polling place.~~

~~— (b) *Each polling place designated pursuant to section 2 or 36 of this act, as applicable, a roster designated for electors who register to vote or change their voter registration information during the period for early voting pursuant to those sections.*~~

~~— (c) *Each polling place designated pursuant to section 4 or 38 of this act, as applicable, a roster designated for electors who register to vote or change their voter registration information on the day of the election pursuant to those sections.*~~

~~— 2. The [roster] rosters must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls. **(Deleted by amendment.)**~~

Sec. 33. ~~[NRS 293.730 is hereby amended to read as follows:~~

~~— 293.730 1. A person shall not:~~

~~— (a) Remain in or outside of any polling place so as to interfere with the conduct of the election.~~

~~— (b) Except an election board officer, receive from any voter a ballot prepared by the voter.~~

~~— (c) Remove a ballot from any polling place before the closing of the polls.~~

~~— (d) Apply for or receive a ballot at any election precinct or district other than [the] one at which the person is entitled to vote.~~

~~— (e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.~~

~~(f) Inside a polling place, ask another person for whom he or she intends to vote.~~

~~(g) Except an election board officer, deliver a ballot to a voter.~~

~~(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.~~

~~2. A voter shall not:~~

~~(a) Receive a ballot from any person other than an election board officer.~~

~~(b) Deliver to an election board or to any member thereof any ballot other than the one received.~~

~~(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.~~

~~3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~

(Deleted by amendment.)

Sec. 34. ~~[NRS 293.790 is hereby amended to read as follows:~~

~~293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than [the] one in which the person is [registered] entitled to vote, such person is guilty of a gross misdemeanor.]~~

(Deleted by amendment.)

Sec. 35. ~~[Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 36, 37 and 38 of this act.] (Deleted by amendment.)~~

Sec. 36. ~~*1. Except as otherwise provided in subsection 8, each city clerk shall designate one or more permanent polling places for early voting by personal appearance in the city as a site for an elector of the city to:*~~

~~*(a) Register to vote; or*~~

~~*(b) Update his or her voter registration information, including, without limitation, updating his or her:*~~

~~*(1) Address;*~~

~~*(2) Political party affiliation; and*~~

~~*(3) Name.*~~

~~2. Each polling place designated by the city clerk pursuant to subsection 1 must:~~

~~*(a) Allow an elector to register to vote or update his or her voter registration information using a computer system capable of verifying the accuracy of the elector's information provided in the application to register to vote or update to his or her voter registration information, as applicable; and*~~

~~*(b) Be approved by the governing body of the city.*~~

~~3. An elector may register to vote or update his or her voter registration information, as applicable, in person during the period for early voting at any polling place designated pursuant to subsection 1 by the city clerk of the city where the elector resides.~~

~~4. To register to vote or update his or her voter registration information during the period for early voting, an elector must:~~

~~(a) Appear before the close of polls at a polling place designated by the city clerk pursuant to subsection 1;~~

~~(b) Complete the application to register to vote or to update his or her voter registration information, as applicable, by computer; and~~

~~(c) Provide his or her current and valid driver's license or an identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.~~

~~5. An elector who registers to vote or updates his or her voter registration information pursuant to this section shall be deemed to be registered to vote or have updated his or her voter registration information, as applicable, upon:~~

~~(a) A determination that the application to register to vote or update to his or her voter registration information is complete; and~~

~~(b) The verification of the elector's identity and residency.~~

~~6. An elector who registers to vote or updates his or her voter registration information pursuant to this section may vote in the election only at the polling place at which the elector registers to vote or updates his or her voter registration information, as applicable.~~

~~7. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 5 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~

~~8. The provisions of this section do not apply to a city election if:~~

~~(a) The governing body of a city did not provide for the conduct of early voting by personal appearance pursuant to NRS 293C.110; or~~

~~(b) All ballots must be cast by mail pursuant to NRS 293C.112.] (Deleted by amendment.)~~

Sec. 37. ~~1. If at the hour of closing the polls during the period for early voting there are:~~

~~(a) Any registered voters waiting to vote; or~~

~~(b) If the polling place has been designated pursuant to section 36 of this act as a site for an elector of the city to register to vote or to update his or her voter registration information during the period for early voting, any persons waiting to register to vote or to update voter registration information, as applicable,~~

~~early voting must continue at the polling place until those persons and any persons described in subsection 2 have voted.~~

~~2. Any registered voter who enters the line after the hour of closing the polls and while there are still registered voters waiting to vote or persons waiting to register to vote or update voter registration information must be allowed to vote.] (Deleted by amendment.)~~

Sec. 38. ~~1. Except as otherwise provided in subsection 8, each city clerk shall:~~

~~(a) Designate one or more polling places in the city as a site for an elector of the city on the day of a primary city election or general city election to:~~

~~(1) Register to vote; or~~

~~(2) Update his or her voter registration information, including, without limitation, updating his or her:~~

~~(I) Address;~~

~~(II) Political party affiliation; and~~

~~(III) Name.~~

~~(b) Publish during the week before the city election in a newspaper of general circulation a notice of the location of each polling place in the city that has been designated pursuant to paragraph (a).~~

~~(c) Post a list of the location of each polling place designated pursuant to paragraph (a) on any bulletin board used for posting notice of the meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the city election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.~~

~~2. Each polling place designated by the city clerk pursuant to subsection 1 must:~~

~~(a) Allow an elector to register to vote or update his or her voter registration information using a computer system capable of verifying the accuracy of the elector's information provided in the application to register to vote or update to his or her voter registration information, as applicable; and~~

~~(b) Be approved by the governing body of the city.~~

~~3. An elector may register to vote or update his or her voter registration information, as applicable, in person on the day of a primary city election or general city election at any polling place designated pursuant to subsection 1 by the city clerk of the city where the elector resides.~~

~~4. To register to vote or update his or her voter registration information on the day of the primary city election or general city election, an elector must:~~

~~(a) Appear before the close of polls at a polling place designated by the city clerk pursuant to subsection 1;~~

~~(b) Complete the application to register to vote or to update his or her voter registration information, as applicable, by computer; and~~

~~(c) Provide his or her current and valid driver's license or an identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.~~

~~5. An elector who registers to vote or updates his or her voter registration information pursuant to this section shall be deemed to be registered to vote or have updated his or her voter registration information, as applicable, upon:~~

~~—(a) A determination that the application to register to vote or update to his or her voter registration information is complete; and~~

~~—(b) The verification of the elector's identity and residency.~~

~~—6. An elector who registers to vote or updates his or her voter registration information pursuant to this section may vote in the primary city election or general city election only at the polling place at which the elector registers to vote or updates his or her voter registration information, as applicable.~~

~~—7. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 5 a voter registration card as described in NRS 293.517 as soon as practicable after the city election.~~

~~—8. The provisions of this section do not apply to a city election conducted pursuant to NRS 293C.112 where all ballots must be cast by mail.] (Deleted by amendment.)~~

Sec. 39. [NRS 293C.110 is hereby amended to read as follows:

~~—293C.110 1. Except as otherwise provided in subsection 2, conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.~~

~~—2. Except as otherwise provided in NRS 293C.112, the governing body of the city shall provide for:~~

~~—(a) Absent ballots to be voted in a city election pursuant to NRS 293C.304 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and~~

~~—(b) The conduct of:~~

~~—(1) Early voting by personal appearance in a city election pursuant to NRS 293C.355 to 293C.361, inclusive [;], and sections 36 and 37 of this act;~~

~~—(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or~~

~~—(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).] (Deleted by amendment.)~~

Sec. 40. [NRS 293C.112 is hereby amended to read as follows:

~~—293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:~~

~~—(a) The election is a special election; or~~

~~—(b) The election is a primary city election or general city election in which the ballot includes only:~~

~~—(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or~~

~~—(2) One office or ballot question.~~

~~—2. The provisions of sections 2, 3 and 4 of this act, NRS 293C.265 to 293C.302, inclusive, and section 38 of this act, 293C.304 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, and sections 36 and 37 of this act do not apply to an election conducted pursuant to this section.~~

~~3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342. (Deleted by amendment.)~~

Sec. 41. ~~[NRS 293C.267 is hereby amended to read as follows:~~

~~293C.267 1. Except as otherwise provided in subsection 2 and NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.~~

~~2. [Whenever] Except as otherwise provided in this subsection, whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed. The provisions of this subsection do not apply to a polling place designated pursuant to section 38 of this act as a site for an elector of the city to register to vote or update his or her voter registration information on the day of an election.~~

~~3. Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications of registered voters to vote will be received.~~

~~4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter. (Deleted by amendment.)~~

Sec. 42. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location for a polling place must satisfy the criteria the city clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

4. If the city clerk establishes one or more polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the city clerk must continue to establish one or more polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary city election or general city election unless otherwise requested by the Indian tribe.

Sec. 43. ~~[NRS 293C.270 is hereby amended to read as follows:~~

~~293C.270 1. Except as otherwise provided in NRS 293C.272, if a person's name appears in the roster, [or] if the person provides an affirmation pursuant to NRS 293C.525 [.] or if the person registered to vote or updated his or her registration information on the day of a city election pursuant to section 38 of this act, the person is entitled to vote and must sign his or her name in the appropriate roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.~~

~~2. The forms of identification that may be used to identify a voter at the polling place are:~~

~~(a) The card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote;~~

~~(b) A driver's license;~~

~~(c) An identification card issued by the Department of Motor Vehicles;~~

~~(d) A military identification card; or~~

~~(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture. **(Deleted by amendment.)**~~

Sec. 44. ~~[NRS 293C.282 is hereby amended to read as follows:~~

~~293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:~~

~~(a) The voter's employer or an agent of the voter's employer; or~~

~~(b) An officer or agent of the voter's labor organization.~~

~~2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.~~

~~3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.~~

~~4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at [his or her] a polling place [.] **at which he or she is entitled to vote.** **(Deleted by amendment.)**~~

Sec. 45. ~~[NRS 293C.297 is hereby amended to read as follows:~~

~~293C.297 1. If at the hour of closing the polls there are any [registered]:~~

~~(a) Registered voters waiting to vote [.] ; or~~

~~(b) If the polling place has been designated pursuant to section 38 of this act as a site for an elector of the city to register to vote or update his or her voter registration information on the day of the election, persons waiting to register to vote or update voter registration information, as applicable,~~

~~the doors of the polling place must be closed after all those [voters] persons and any persons described in subsection 2 have been admitted to the polling place. Voting, and if applicable, the registration of voters or updating of voter registration information, must continue until those [voters] persons and any person described in subsection 2 have voted.~~

~~2. Any registered voter who enters the line on election day after the hour of closing the polls while there are still registered voters waiting to vote or persons waiting to register to vote or update voter registration information must be allowed to vote.~~

~~3. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed to observe or for any other lawful purpose if there is room within the polling place and their admittance will not interfere with the voting [.] **the registration of voters or the updating of voter registration information.** **(Deleted by amendment.)**~~

Sec. 46. ~~[NRS 293C.355 is hereby amended to read as follows:~~

~~293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, and sections 36 and 37 of this act apply to a city only if the governing body of the~~

city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110.] **(Deleted by amendment.)**

Sec. 47. ~~[NRS 293C.3568 is hereby amended to read as follows:~~

~~293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election [;] and:~~

~~(a) In a city located in a county whose population is 100,000 or more, extends through the Monday before election day, federal holidays excepted. The city clerk in such a city may include any federal holiday that falls within the period for early voting by personal appearance.~~

~~(b) In a city located in a county whose population is less than 100,000, except as otherwise provided in subparagraph (1), extends through the Friday before election day, Sundays and federal holidays [excepted.] excluded. A city clerk in such a city may:~~

~~(1) Extend the period for early voting by personal appearance through the Monday before election day.~~

~~(2) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.~~

~~2. [The city clerk may:~~

~~(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.~~

~~(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.~~

~~3.] A permanent polling place for early voting must remain open:~~

~~(a) On Monday through Friday:~~

~~(1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.~~

~~(b) On Monday during the third week of early voting, if applicable, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.~~

~~(c) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.~~

~~[(c) If the] **The city clerk may require a permanent place for early voting to remain open until 8 p.m. on any such Saturday.**~~

~~(d) On every Sunday that falls within the period for early voting pursuant to paragraph (a) of subsection 1 or any Sunday included in the period for early voting by a city clerk [includes a Sunday that falls within the period for early voting pursuant to subsection 2,] **pursuant to subparagraph (2) of paragraph (b) of subsection 1,** during such hours as the city clerk may establish.~~

~~(e) On any federal holiday included in the period for early voting by a city clerk pursuant to subsection 1, during such hours as the city clerk may establish.] **(Deleted by amendment.)**~~

Sec. 48. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection 3, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election that is held:

(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS, the first Friday in January of the year in which the primary city election is to be held.

(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.

(2) If the request is for a general city election that is held:

(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.

(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. *If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the city clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations*

approved by the Indian tribe for early voting in future elections unless otherwise requested by the Indian tribe.

6. The provisions of subsection ~~3~~ ~~42~~ of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~6~~ 7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~7~~ 8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 49. ~~NRS 293C.3576 is hereby amended to read as follows:~~

~~293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:~~

~~(a) The location of each permanent and temporary polling place for early voting;~~

~~(b) The dates and hours that early voting will be conducted at each location;~~

~~(c) The location of each permanent polling place for early voting designated by the city clerk pursuant to section 36 of this act as a site for an elector of the city to register to vote or update his or her voter registration information during the period for early voting;~~

~~2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.~~

~~3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.~~

~~4. No additional polling places for early voting may be established after the schedule is published pursuant to this section. (Deleted by amendment.)~~

Sec. 50. ~~NRS 293C.3585 is hereby amended to read as follows:~~

~~293C.3585 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:~~

~~(a) Determine that the person is a registered voter in the county;~~

~~(b) Instruct the voter to sign the roster for early voting, [or] a signature card [] or the roster designated for electors who register to vote or update voter registration information during the period for early voting pursuant to section 36 of this act, as applicable;~~

~~(c) Verify the signature of the voter in the manner set forth in NRS 293C.270;~~

~~(d) Verify that the voter has not already voted in the current election, pursuant to this section.]~~

~~2. If the signature does not match, the voter must be identified by:~~

~~(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;~~

~~(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or~~

~~(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the card issued to the voter at the time he or she registered to vote or was deemed to be registered to vote.~~

~~3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.~~

~~4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election. [pursuant to this section.]~~

~~5. The roster for early voting or signature card, as applicable, must contain:~~

~~(a) The voter's name, the address where he or she is registered to vote, his or her voter identification number and a place for the voter's signature;~~

~~(b) The voter's precinct or voting district number, if that information is available; and~~

~~(c) The date of voting early in person.~~

~~6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.~~

~~7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:~~

~~(a) Prepare the mechanical recording device for the voter;~~

~~(b) Ensure that the voter's precinct or voting district, if that information is available, and the form of ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and~~

~~(c) Allow the voter to cast a vote.~~

~~8. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293C.292.] (Deleted by amendment.)~~

Sec. 51. [NRS 293C.3604 is hereby amended to read as follows:

~~293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:~~

~~1. At the close of each voting day, the election board shall:~~

~~(a) Prepare and sign a statement for the polling place. The statement must include:~~

~~(1) The title of the election;~~

~~(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;~~

~~— (3) The number of ballots voted on the mechanical recording device for that day;~~

~~— (4) The number of signatures in the roster for early voting for that day;~~
~~{and}~~

~~— (5) The number of signatures on signature cards for that day [.] ; and~~

~~— (6) The number of signatures in the roster designated for electors who registered to vote or updated voter registration information during early voting pursuant to section 36 of this act, if applicable.~~

~~— (b) Secure:~~

~~— (1) The ballots pursuant to the plan for security required by NRS 293C.3594; and~~

~~— (2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.~~

~~2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:~~

~~— (a) The statements for all polling places for early voting;~~

~~— (b) The voting rosters used for early voting;~~

~~— (c) The signature cards used for early voting;~~

~~— (d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and~~

~~— (e) Any other items as determined by the city clerk.~~

~~3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:~~

~~— (a) Indicate the number of ballots on an official statement of ballots; and~~

~~— (b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.] (Deleted by amendment.)~~

Sec. 52. ~~[NRS 293C.527 is hereby amended to read as follows:~~

~~293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:~~

~~— (a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:~~

~~— (1) By mail is the fourth Tuesday preceding the primary city election or general city election;~~

~~— (2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding the primary city election or general city election;~~

~~— (3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:~~

~~— (1) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting;~~

~~(H) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.~~

~~(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any means is the third Saturday preceding the recall or special election.~~

~~2. Except as otherwise provided in sections 36 and 38 of this act, after the deadline for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.~~

~~3. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person [.] pursuant to subparagraph (2) of paragraph (a) of subsection 1. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.~~

~~[3.] 4. For a general city election:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person [.] pursuant to subparagraph (2) of paragraph (a) of subsection 1. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which a person may register to vote in person [.] pursuant to subparagraph (2) of paragraph (a) of subsection 1, according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~[4.] 5. Except for a special election held pursuant to chapter 306 or 350 of NRS:~~

~~(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:~~

~~(1) The day and time that registration will be closed; and~~

~~(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.~~

~~* If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.~~

~~(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.~~

~~[5.] 6. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.~~

(Deleted by amendment.)

Sec. 53. [NRS 293C.525 is hereby amended to read as follows:

~~293C.525 1. [Any] Except as otherwise provided in subsection 4 and sections 36 and 38 of this act, any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:~~

~~(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.~~

~~(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.~~

~~2. If an elector alleges that the records in the registrar of voters' register or the roster incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.~~

~~3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.~~

~~4. The election board officer shall inform an elector who has changed residence after the last preceding general city election that the elector may update his or her voter registration information at a polling place designated pursuant to section 36 or 38 of this act.] (Deleted by amendment.)~~

Sec. 54. [NRS 293C.535 is hereby amended to read as follows:

~~293C.535 1. Except as otherwise provided by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.~~

~~2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all electors eligible to vote at a regular or special city election.~~

~~3. The county clerk shall prepare for each polling place designated pursuant to:~~

~~(a) Section 36 of this act a roster designated for electors who register to vote or update voter registration information during the period for early voting pursuant to that section;~~

~~(b) Section 38 of this act a roster designated for electors who register to vote or update voter registration information on the day of the city election pursuant to that section.~~

~~4. The [rosters] roster required pursuant to subsection 2 must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.~~

~~[4.] 5. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.] **(Deleted by amendment.)**~~

Sec. 55. ~~[NRS 203C.715 is hereby amended to read as follows:~~

~~203C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place at which the registered voter is [required] *entitled* to cast a ballot; [and]~~

~~(b) *The location of every polling place designated pursuant to sections 36 and 38 of this act; and*~~

~~(c) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 203C.387.~~

~~2. The abstract of votes required to be maintained on the website pursuant to [paragraph (b) of] subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.~~

~~3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.] **(Deleted by amendment.)**~~

Sec. 56. ~~[NRS 203C.720 is hereby amended to read as follows:~~

~~203C.720 Each city clerk is encouraged to:~~

~~1. Not later than the earlier date of the first notice provided pursuant to subsection [4.] 5 of NRS 203.560 or NRS 203C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 203C.281, 203C.282, 203C.310, 203C.317 and 203C.318.~~

~~2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.~~

~~3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:~~

~~(a) Related to elections; and~~

~~(b) Made available by the city clerk to the public in printed form.] **(Deleted by amendment.)**~~

Sec. 57. ~~NRS 249.017 is hereby amended to read as follows:~~

~~249.017 1. If the bond question is submitted at a general election, no notice of registration of electors is required other than that required by the laws for a general election.~~

~~2. If the bond question is submitted at a special election, the clerk of each county shall cause to be published, at least once a week for 2 consecutive weeks by two weekly insertions a week apart, the first publication to be not more than 50 days nor less than 42 days next preceding the election, in a newspaper published within the county, if any is so published, and having a general circulation therein, a notice signed by him or her to the effect that registration for the special election will be closed on a date and time designated therein, as provided in this section.~~

~~3. Except as otherwise provided in subsection 4, the office of the county clerk in each county of this State must be open for such a special election, from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector.~~

~~4. The office of the county clerk must be open during the last days of registration as provided in subsection [2] 3 of NRS 293.560.~~

~~5. The office of the county clerk must be open for registration of voters for such a special election up to but excluding the 30th day next preceding that election and during regular office hours. **(Deleted by amendment.)**~~

Sec. 58. 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.

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. 168.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 245.

AN ACT relating to education; requiring a school to provide a plan of action based on restorative justice before suspending or expelling a pupil; prohibiting certain pupils from being suspended or expelled in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law excepts certain classes of persons from criminal liability, including: (1) children under the age of 8 years; (2) children between the ages of 8 years and 10 years unless the child is charged with certain serious crimes; and (3) children between the ages of 8 years and 14 years in the absence of clear proof that the child knew at the time of committing an act that it was wrong. (NRS 194.010)

Under existing law, a pupil is required to be expelled or suspended from a public school if he or she commits a battery which results in the bodily injury of an employee of the school or sells or distributes any controlled substance in certain circumstances. (NRS 392.466) Existing law authorizes the expulsion or suspension of a pupil who: (1) is deemed a habitual disciplinary problem; or (2) participates in a program of special education in certain circumstances upon review of the board of trustees of the school district in which the pupil is enrolled. (NRS 392.466, 392.467) Existing law also authorizes the board of trustees of a school district to expel or suspend a pupil from a public school in the school district, but prohibits the board of trustees from expelling, suspending or removing a pupil solely because the pupil is deemed a truant. (NRS 392.467)

Section 3 of this bill, with certain exceptions, requires a school to provide a plan of action based on restorative justice to a pupil before suspending or expelling the pupil. **Sections 7 and 8** of this bill prohibit the expulsion or suspension of a pupil who is excepted from criminal liability except in certain limited circumstances. **Section 7** requires a public school to provide a plan of action based on restorative justice to a pupil who engages in certain actions and is not excepted from criminal liability before expelling or suspending the pupil. ~~[Section 7 authorizes a school to expel a pupil without providing such a plan of action if the pupil subsequently engages in another prohibited action.]~~ **Section 7** also requires a public school that removes a pupil from school and places the pupil in another ~~(kind of)~~ school **of the same kind** to explain what services will be provided to address the specific needs and behaviors of the pupil at the new school that the current school is unable to provide. **Section 7 requires the school district of the current school of the pupil to coordinate with the new school or the school district of the new school to ensure the new school has the resources necessary to accommodate the pupil.** **Section 8** prohibits the board of trustees of a school district from expelling, suspending or removing a pupil solely for offenses related to attendance. ~~Sections [4-6]~~ **4 and 5** of this bill make conforming changes.

Existing law requires the principal of each public school to establish a plan for the discipline of pupils. (NRS 392.4644) Section 5.5 of this bill instead requires the board of trustees of each school district to establish such a plan. Existing law authorizes the school in which a pupil who is suspended is enrolled to develop a plan of behavior for the pupil. (NRS 392.4655) Section 6 of this bill instead requires such a school to develop a plan of behavior.

Existing law prohibits a pupil who is participating in a program of special education from being suspended from school for more than 10 days or permanently expelled unless the board of trustees of the school district in which the pupil is enrolled has reviewed the circumstances and determined that the action complies with federal law relating to pupils with disabilities. (NRS 392.466, 392.467) **Sections 7 and 8** reduce the number of days that such

a pupil can be suspended ~~[without a review of the circumstances of the suspension by the board of trustees]~~ from 10 to 5.

Existing law authorizes the expulsion, suspension or removal of a pupil of a charter school or university school for profoundly gifted pupils in certain circumstances. (NRS 388A.495, 388C.150) **Sections 1 and 2** of this bill apply similar provisions relating to the discipline of such pupils as are applied to pupils in other public schools by **sections 3, 7 and 8**.

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

Section 1. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[Except as otherwise provided in subsection 3, if]~~ **If** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil ***who is not excepted from criminal liability pursuant to NRS 194.010 and*** who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, ~~for~~ who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school ~~[immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.]~~ ***only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.***

4. A pupil ***who is not excepted from criminal liability pursuant to NRS 194.010 and*** who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.419 ~~[, other than a pupil who receives early intervening services,]~~ may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, ~~for~~ ***and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,*** be:

(a) Suspended from the charter school pursuant to this section for not more than ~~10~~ 5 days, ~~for~~ ***for each occurrence.***

(b) ~~[Suspended from the charter school for more than 10 5 days or permanently]~~ **Permanently** expelled from school pursuant to this section. ~~[only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.]~~

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 2. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~[Except as otherwise provided in subsection 3, if]~~ **If** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil **who is not excepted from criminal liability pursuant to NRS 194.010 and** who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, ~~for~~ who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed ~~from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.]~~ **only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.**

4. A pupil **who is not excepted from criminal liability pursuant to NRS 194.010 and** who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to NRS 388.419 ~~[, other than a pupil who receives early intervening services,]~~ may, in

accordance with the procedural policy adopted by the governing body of the university school for such matters ~~[-]~~ **and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,** be:

(a) Suspended from the university school pursuant to this section for not more than ~~10~~ 5 days, ~~[-]~~ **for each occurrence.**

(b) ~~Suspended from the university school for more than 10 5 days or permanently~~ **Permanently** expelled from school pursuant to this section ~~[-]~~ **only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.**

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before suspending or expelling a pupil from school. Such a plan of action may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school and any other appropriate personnel.

2. The Department shall adopt regulations necessary to carry out the provisions of this section.

3. As used in this section:

(a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) “Restorative justice” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 4. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) “Dangerous weapon” has the meaning ascribed to it in paragraph (b) of subsection ~~9-107~~ 11 of NRS 392.466.

(b) “Firearm” has the meaning ascribed to it in paragraph (c) of subsection ~~9-107~~ 11 of NRS 392.466.

Sec. 5. NRS 392.4635 is hereby amended to read as follows:

392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

→ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension or expulsion *pursuant to NRS 392.466 and 392.467* of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

(a) Local law enforcement agencies;

(b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, “criminal gang” has the meaning ascribed to it in NRS 213.1263.

Sec. 5.5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~principal~~ ***board of trustees*** of each ~~public~~ school ***district*** shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed ~~at~~ ***by*** the school ~~in~~ ***district***, and the parents and guardians of pupils who are enrolled in ~~the school~~ ***schools within the school district***.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of ~~the~~ ***each*** school ~~in~~ ***within the school district***.

(d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

(e) ***Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.***

(f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(g) **Be posted on the Internet website maintained by the school district.**

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan **established by subsection 1** in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, ~~make~~ **recommend to the board of trustees of the school district** revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary;

(c) Post a copy of the plan or the revised plan, ~~as applicable,~~ **as provided by the school district,** on the Internet website maintained by the school ~~or school district,~~ **; and**

(d) Distribute to each teacher and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, ~~as applicable, and~~

~~(e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.~~ **as provided by the school district.**

3. ~~On or before October 15 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:~~

~~(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.~~

~~(b) The name of each principal, if any, who has not complied with the requirements of this section.~~

~~4.]~~ On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction ~~based upon the compilation submitted pursuant to subsection 3]~~ that reports the progress of each school within the district in complying with the requirements of this section; and

(b) Post a copy of the report on the Internet website maintained by the school district.

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

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

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

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

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

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

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

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

(c) An explanation that, pursuant to subsection ~~13-41~~ 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

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

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.419, an explanation of the effect of subsection ~~18-91~~ 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

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

5. If a pupil is suspended, the school in which the pupil is enrolled ~~may~~ **shall** develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

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

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

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

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

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

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

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

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

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and;~~ ***and who is not excepted from criminal liability pursuant to NRS 194.010 shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. ~~For a subsequent occurrence, the~~ The pupil may be expelled from the school, in which case the pupil shall:***

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

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

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if the employee feels any actions taken pursuant to such plan are inappropriate.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

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

~~3.4.~~ **4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another ~~kind of~~ school ~~of~~ of the same kind. If a pupil is placed in another ~~kind of~~ school ~~of~~ of the same kind, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.**

~~4.5.~~ **5.** Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, *the pupil is not excepted from criminal liability pursuant to NRS 194.010 and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil*, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

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

~~{4.5.}6.~~ If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

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

~~{5.6.}7.~~ The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to ~~{the} a~~ suspension or expulsion ~~requirement, as applicable, of subsection 1, 2 or 3}~~ pursuant to subsections 1 to ~~{4,} 5, inclusive,~~ if such modification is set forth in writing. ***The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.***

~~{6.7.}8.~~ This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~{7.} Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2,~~

~~{8.} 9.~~ ***Except as otherwise provided in this section, a pupil who is excepted from criminal liability pursuant to NRS 194.010 must not be suspended from school or permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is not excepted from criminal liability pursuant to NRS 194.010 may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.***

~~{8.9.} 10.~~ A pupil ***who is not excepted from criminal liability pursuant to NRS 194.010 and*** who is participating in a program of special education pursuant to NRS 388.419 ~~{, other than a pupil who receives early intervening services,}~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters ~~{,}~~ ***and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,*** be:

(a) Suspended from school pursuant to this section for not more than ~~{10} 5~~ days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) ~~{Suspended from school for more than 10 5 days or permanently}~~ ***Permanently*** expelled from school pursuant to this section. ~~{only after the}~~

~~board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

~~9. 10.] 11.~~ As used in this section:

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

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

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

(d) *“Restorative justice” has the meaning ascribed to it in subsection 3 of section 3 of this act.*

~~10. 11.] 12.~~ The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 4 and 5 ~~¶~~ **and NRS 392.466**, the board of trustees of a school district may authorize the suspension or expulsion of any pupil *who is not excepted from criminal liability pursuant to NRS 194.010* from any public school within the school district. *Except as otherwise provided in NRS 392.466, a pupil who is excepted from criminal liability pursuant to NRS 194.010 must not be suspended from school or permanently expelled from school.*

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who ~~poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or~~ is found to be in possession of a **firearm or a** dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the

reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

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

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely *for offenses related to attendance or* because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

5. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, ~~and~~ and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~10~~ 5 days ~~for each occurrence.~~

(b) ~~Suspended from school for more than 10 5 days or permanently~~ Permanently expelled from school pursuant to this section, ~~only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

Sec. 9. This act becomes effective on July 1, 2019.

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. 235.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 82.

FISCAL NOTE: Effect on Local Government: No.

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

AN ACT relating to education; revising provisions governing the membership of the Nevada Advisory Commission on Mentoring; eliminating the requirement for the appointment of a Mentorship Advisory Council; requiring the Commission and the Department of Education to work in consultation to provide direction to the coordinator for mentorship programs in this State; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Advisory Commission on Mentoring for the purpose of supporting and facilitating mentorship programs in this State.

(NRS 385.760, 385.780) **Under existing law, the membership of the Commission consists of superintendents of certain school districts in this State and members appointed by the Governor, the Commission, the Speaker and Minority Leader of the Assembly and the Majority Leader and Minority Leader of the Senate. (NRS 385.760) Section 1** of this bill ~~increases the membership of the Commission from 13 members to 15 members to include: (1) one member of the Assembly appointed by the Speaker of the Assembly; and (2) one member of the Senate appointed by the Majority Leader of the Senate. Section 1~~ requires all ~~other~~ members appointed by the Speaker or Minority Leader of the Assembly or the Majority Leader or Minority Leader of the Senate to not be legislators. **Section 1** also reduces the term of office for a member of the Commission from 4 years to 2 years and prohibits a member from serving more than two consecutive terms. **Section 1** requires the removal of a member who fails to attend two consecutive meetings. **Section 4** of this bill provides that the terms of office for members serving on the Commission as of July 1, 2019, expire on that date and requires that new members be appointed with initial terms of 1 or 2 years to provide for staggered terms of the ~~15~~ **13** members of the Commission.

Section 2 of this bill eliminates the requirement that the Commission appoint a Mentorship Advisory Council consisting of members who represent organizations which provide mentorship programs in this State.

Existing law requires the Commission to employ a coordinator for mentorship programs in this State. (NRS 385.780) **Section 3** of this bill requires the Commission to work in consultation with the Department of Education to provide direction and guidance for such coordinator.

Sections 3.3-3.8 of this bill make appropriations to the Commission to: (1) initiate an affiliate process; (2) award certain grants of money to mentorship programs; and (3) plan and host a statewide mentorship conference.

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

Section 1. NRS 385.760 is hereby amended to read as follows:

385.760 1. The Nevada Advisory Commission on Mentoring is hereby created. The Commission consists of the following 13 ~~15~~ members:

(a) One member appointed by the Governor who is a representative of business and industry with a vested interest in supporting mentorship programs in this State.

(b) One member appointed by the Governor who represents an employment and training organization located in this State.

(c) One member appointed by the Governor who is a resident of a county whose population is less than 100,000.

(d) One member who is the superintendent of a school district in a county whose population is 700,000 or more.

(e) One member who is the superintendent of a school district in a county whose population is 100,000 or more but less than 700,000.

~~(f) One member of the Assembly appointed by the Speaker of the Assembly.~~

~~(g) One member of the Senate appointed by the Majority Leader of the Senate.~~

~~(h)~~ One member, *who is not a Legislator*, appointed by the Majority Leader of the Senate.

~~(g)~~ ~~(f)~~ One member, *who is not a Legislator*, appointed by the Speaker of the Assembly.

~~(h)~~ ~~(g)~~ One member, *who is not a Legislator*, appointed by the Minority Leader of the Senate.

~~(i)~~ ~~(h)~~ One member, *who is not a Legislator*, appointed by the Minority Leader of the Assembly.

~~(j)~~ ~~(i)~~ Four members appointed to the Commission pursuant to subsection 2.

2. The members of the Commission appointed pursuant to paragraphs (a) to ~~(i)~~ ~~(h)~~ inclusive, of subsection 1 shall, at the first meeting of the Commission, appoint to the Commission four additional voting members:

(a) One of whom must be a member of the state advisory group appointed by the Governor pursuant to 34 U.S.C. § 11133 and operating in this State as the Juvenile Justice Commission under the Division of Child and Family Services of the Department of Health and Human Services;

(b) One of whom must be a representative of business and industry with a vested interest in supporting mentorship programs in this State; and

(c) Two members between the ages of 16 years and 24 years who have a vested interest in supporting mentorship programs in this State.

3. After the initial terms, each member of the Commission appointed pursuant to subsections 1 and 2 serves a term of ~~1~~ 2 years. A member of the Commission may be reappointed ~~1~~, *except that no member may serve more than two consecutive terms.*

4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Commission for the remainder of the original term of appointment.

5. *If a member of the Commission fails to attend two consecutive meetings of the Commission, the Commission shall, within 5 days after the second consecutive meeting that the member fails to attend, provide notice of that fact, in writing, to the appointing authority who appointed that member. Upon receipt of the notice, the appointing authority shall appoint a person to replace the member in the same manner as filling a vacancy on the Commission pursuant to subsection 4.*

6. Each member of the Commission:

- (a) Serves without compensation; and
- (b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. NRS 385.770 is hereby amended to read as follows:

385.770 1. At the first meeting of each calendar year, the Commission shall elect from its members a Chair, a Vice Chair and a Secretary and shall adopt the rules and procedures of the Commission.

2. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the Commission.

4. Except as otherwise provided in NRS 385.780, the Commission may, for the purpose of carrying out the duties of the Commission prescribed by that section:

- (a) Appoint committees from its members.
- (b) Engage the services of volunteer workers and consultants without compensation.
- (c) Enter into a public-private partnership with any business, for-profit organization or nonprofit organization.
- (d) Apply for and receive gifts, grants, donations, contributions or other money from any source.

5. ~~¶The Commission shall appoint a Mentorship Advisory Council consisting of five members who represent organizations which provide mentorship programs in this State. The members of the Council serve at the pleasure of the Commission. If a member of the Council is removed or if the position of a member otherwise becomes vacant, the Commission shall appoint a new member to fill the vacancy at the next regularly scheduled meeting of the Commission. The Council shall advise the Commission on matters of importance relating to mentoring and mentorship programs in this State.~~

~~—6—~~ The Commission shall, on or before February 1 of each year, prepare and submit a report outlining the activities and recommendations of the Commission to:

- (a) The Governor; and
- (b) The Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the Legislature is not in regular session.

Sec. 3. NRS 385.780 is hereby amended to read as follows:

385.780 1. The Commission shall, within the scope of its duties, support and facilitate mentorship programs in this State for the purpose of addressing issues relating to education, health, criminal justice and employment with respect to children who reside in this State. The Commission shall:

- (a) Establish model guidelines and parameters for existing mentorship programs, including, without limitation:

(1) The development of a model management plan setting forth guidelines for the operation of mentorship programs and strategic goals and benchmarks to measure the success of a mentorship program.

(2) The process for identifying children in need of mentorship and geographic areas of need within this State. Such a process must include, without limitation, consideration of children who:

(I) Are disproportionately at risk of being deprived of the opportunity to develop and maintain a competitive position in the economy.

(II) Are disproportionately at risk of failing to make adequate yearly progress in a school in this State.

(III) Have been involved with the system of juvenile justice in this State, either as a victim or as an offender.

(IV) Have been involved with the criminal justice system, either as a victim or as an offender.

(V) Are in the child welfare system.

(b) Develop a model financial plan that provides for the sustainability and financial stability of mentorship programs, including, without limitation:

(1) The development of a resource plan to provide for diversified fundraising.

(2) The identification of potential sources of revenue to fund the hiring of the coordinator for mentorship programs in this State, as required by paragraph (e).

(3) The identification of potential sources of revenue to fund the hiring of administrative support staff for mentorship programs in this State.

(4) The development, in coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration of a plan for seeking gifts, grants, donations and contributions from any source for the purpose of carrying out a mentorship program.

(5) The identification of potential strategic private partners to assist in the implementation and continuation of mentorship programs.

(6) The development of public relations and marketing campaigns for the purpose of increasing public awareness regarding existing mentorship programs and the value of mentorship programs.

(c) Develop model protocols for the recruitment, screening, training, matching, monitoring and support of mentors.

(d) Develop model protocols for the effective management of mentors, mentees and matches under mentorship programs, including, without limitation, protocols for the introduction of a mentor to a mentee and closure of the relationship between a mentor and a mentee.

(e) Within the limits of legislative appropriations, employ a coordinator for mentorship programs in this State. ***The Commission shall work in consultation with the Department of Education to provide direction and guidance for the coordinator.***

(f) Within the limits of legislative appropriations, develop a competitive grants program to award grants of money to mentorship programs in this State.

In coordination with the Office of Grant Procurement, Coordination and Management of the Department of Administration, the Commission shall:

- (1) Administer the grants program;
- (2) Establish guidelines for the submission and review of applications to receive grants from the program; and
- (3) Consider and approve or disapprove applications for grants from the program.

2. As used in this section, “child” means a person 24 years of age or younger.

Sec. 3.3. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Mentoring created by NRS 385.760, as amended by section 1 of this act, the sum of \$125,000 for the purpose of initiating an affiliate process to support the work of the Commission.

2. Any remaining balance of the appropriation made by subsection 1 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. 3.6. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Mentoring created by NRS 385.760, as amended by section 1 of this act, the sum of \$10,000 for expenses related to planning and hosting a statewide conference on mentoring.

2. Any remaining balance of the appropriation made by subsection 1 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. 3.8. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Mentoring created by NRS 385.760, as amended by section 1 of this act, for the purpose of awarding grants of money to mentorship programs in accordance with the provisions of NRS 385.780, as amended by section 3 of this act, the following sums:

<u>For the Fiscal Year 2019-2020.....</u>	<u>\$25,000</u>
<u>For the Fiscal Year 2020-2021.....</u>	<u>\$25,000</u>

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.

Sec. 4. 1. Notwithstanding the provisions of NRS 385.760, the terms of all members of the Nevada Advisory Commission on Mentoring created by NRS 385.760 who are serving on July 1, 2019, expire on that date.

2. As soon as practicable after July 1, 2019, but not later than October 1, 2019, the appointing authorities set forth in paragraphs (a) to (k), inclusive, of subsection 1 of NRS 385.760, as amended by section 1 of this act, shall appoint members to the Commission.

3. ~~The members appointed pursuant to paragraphs (f) and (g) of subsection 1 of NRS 385.760, as amended by section 1 of this act, serve initial terms of 2 years.~~

~~4.~~ At the first meeting of the Commission on or after October 1, 2019, and after the appointment of 4 voting members to the Commission pursuant to subsection 2 of NRS 385.760, as amended by section 1 of this act, the members ~~other than the members described in subsection 3~~ shall choose their term of office by lot, in the following manner:

- (a) ~~Seven~~ **Five** members for terms of 1 year; and
- (b) ~~Six~~ **Four** members for terms of 2 years.

Sec. 5. This act becomes effective on July 1, 2019.

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. 240.

Bill read second time.

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

Amendment No. 47.

SUMMARY—Requires **representatives from** certain counties **and cities** to meet jointly and prepare reports addressing the orderly management of growth in their region. (BDR S-1043)

AN ACT relating to regional planning; requiring representatives from certain counties **and cities** to meet jointly for a specified period to identify issues and make recommendations regarding the orderly management of growth in their region; requiring such counties **, in consultation with such cities,** to prepare certain reports individually and jointly during that period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires Carson City, Douglas County, Lyon County, Storey County and Washoe County, **in consultation with any cities within each such county,** to each prepare a report **for submission to each Legislator who represents any portion of the county** at the end of each calendar year between July 1, 2019, and December 31, 2022, that identifies issues relating to and makes recommendations regarding the orderly management of growth in those counties, **including cities within those counties,** and the region that those counties comprise. This bill authorizes each such county **and city** to consult with and solicit input from other entities in the county in preparing the annual report. This bill also requires certain representatives of these counties **and cities** to: (1) meet jointly at least twice in each calendar year during the period between January 1, 2020, and December 1, 2023, to identify and discuss issues relating to the orderly management of growth in the region, including issues identified in the ~~counties'~~ annual reports; and (2) prepare annual joint reports relating to those meetings for submission to **each Legislator who represents any portion of such a county and to** the Legislative Commission. This bill requires the final annual joint report to comprehensively address all the issues identified and recommendations made by the counties **and cities in the region** during the period between January 1, 2020, and December 1, 2023, relating to the orderly management of growth in the region.

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

Section 1. 1. The Legislature hereby finds and declares that:

(a) The region of Carson City, Douglas County, Lyon County, Storey County and Washoe County is a unique, contiguous geographical area that comprises the northwestern border of Nevada.

(b) As part of the fastest-growing state in the nation, the population of this region has increased rapidly in recent years, especially as a result of the location of substantial economic development projects in the region.

(c) This increased population and economic development activity has a significant impact on resources beyond **the boundaries of** individual ~~county boundaries,~~ **political subdivisions,** affecting the region in such areas as transportation, land use development and public services and facilities.

(d) Because of the unique conditions in the region, a general law cannot be made applicable and necessitates this special act to require discussion and planning for the orderly management of growth in the region in a collaborative and structured manner by the counties **and cities** in the region for the well-being of the residents as well as the long-term economic development of the region.

2. On or before December 31 of each calendar year during the period between July 1, 2019, and December 31, 2022, each county in the region, **in consultation with any cities within each such county,** shall prepare **and**

submit to each Legislator who represents any portion of the county a separate report that:

(a) Identifies issues relating to the orderly management of growth in the county, **including cities within the county,** and the region, including, without limitation, issues in the following areas:

(1) Conservation, including, without limitation, the use and protection of natural resources;

(2) Population, including, without limitation, projected population growth and the projected resources necessary to support that population;

(3) Land use and development; ~~including, without limitation, mixed-use development, transit-oriented development, master planned communities and gaming enterprise districts;~~

(4) Transportation; and

(5) Public facilities and services, including, without limitation, roads, water and sewer service, flood control, police and fire protection, mass transit, libraries and parks.

(b) Makes recommendations regarding those issues.

3. In preparing the report required by subsection 2, each county **in the region and any city within such a county** may consult with and solicit input concerning issues relating to the orderly management of growth in the county, **city** or region from other entities in the county, including, without limitation, the school district and any ~~city,~~ town, airport authority, regional transportation commission, ~~planning commission,~~ water authority, military base, flood control agency, public safety agency or Indian colony or tribe in the county.

4. During the period between January 1, 2020, and December 1, 2023, the county manager of each county in the region or his or her designee, or if a county manager is not appointed pursuant to NRS 244.125, a person designated by the board of county commissioners of the county, **and the city manager of each city in the region or his or her designee or, if the city does not have a city manager, a person designated by the governing body of the city,** shall meet jointly at least twice during each calendar year in that period to identify and discuss issues relating to the orderly management of growth in the region, including, without limitation, the issues identified and recommendations made in the reports prepared pursuant to subsection 2.

5. Except as otherwise provided in this subsection, on or before December 1 of each calendar year during the period between January 1, 2020, and December 1, 2023, the counties in the region, **in consultation with the cities in the region,** shall prepare a joint report of the issues identified during the meetings held pursuant to subsection 4 during that calendar year and any recommendations made relating to those issues and submit the report to **each Legislator who represents any portion of a county in the region and to the** Legislative Commission. The joint report that must be submitted on or before December 1, 2023, must address comprehensively all the issues identified and recommendations made by the counties **and cities in the region** during the

period between January 1, 2020, and December 1, 2023, relating to the orderly management of growth in the region.

6. As used in this section, “region” means the combined geographical area consisting of Carson City, Douglas County, Lyon County, Storey County and Washoe County.

Sec. 2. This act becomes effective on July 1, 2019, and expires by limitation on December 31, 2023.

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. 257.

Bill read second time.

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

Amendment No. 545.

~~ASSEMBLYWOMEN~~ ASSEMBLYMEN KRASNER, BILBRAY-AXELROD, SPIEGEL; ~~AND~~ ASSEFA, COHEN, HAMBRICK AND WHEELER

JOINT SPONSORS: SENATORS OHRENSCHALL, ~~AND~~ SETTELMAYER; KIECKHEFER, AND SEEVERS GANSERT

AN ACT relating to state museums; establishing the Nevada State Holocaust Museum within the Division of Museums and History of the Department of Tourism and Cultural Affairs; **requiring the Division to conduct a study regarding the feasibility of establishing such Museum;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Division of Museums and History of the Department of Tourism and Cultural Affairs. The Division consists of the Office of the Administrator and a state system of museums and historical societies comprised of the Nevada State Museum, the Lost City Museum, the Nevada State Museum Las Vegas, the Nevada Historical Society, the East Ely Depot Museum, the Nevada State Railroad Museum in Carson City and the Nevada State Railroad Museum in Boulder City. (NRS 381.004) ~~This~~ **Section 1 of this** bill establishes the Nevada State Holocaust Museum within the Division ~~+~~, **effective July 1, 2021. Section 2 of this bill requires the Division to conduct a study concerning the feasibility of establishing such Museum.**

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

Section 1. NRS 381.004 is hereby amended to read as follows:

381.004 1. The Division of Museums and History is hereby created in the Department.

2. The Division consists of the Office of the Administrator and a state system of museums consisting of the following museums and historical societies, which are hereby established as institutions of the Division:

- (a) The Nevada State Museum;
- (b) The Lost City Museum;
- (c) The Nevada State Museum Las Vegas;
- (d) The Nevada Historical Society;
- (e) The East Ely Depot Museum;
- (f) The Nevada State Railroad Museum in Carson City; ~~and~~
- (g) The Nevada State Railroad Museum in Boulder City ~~+~~; *and*
- (h) *The Nevada State Holocaust Museum.*

3. Each institution *described in paragraphs (a) to (g), inclusive, of subsection 2* shall, in accordance with the duties assigned to it by the Administrator, collect, preserve and interpret the history, prehistory and natural history of this State.

4. *The Nevada State Holocaust Museum shall, in accordance with the duties assigned to it by the Administrator, provide for the documentation, study and interpretation of history related to the Holocaust.*

Sec. 2. 1. The Division of Museums and History of the Department of Tourism and Cultural Affairs shall, subject to the availability of funding, complete a study concerning the feasibility of establishing the Nevada State Holocaust Museum as an institution of the Division.

2. The Division may apply for any available grants and accept any gifts, grants or donations to pay the costs of the study.

3. On or before January 1, 2021, the Division shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

~~Sec. 2.~~ Sec. 3. This

1. This section and section 2 of this act ~~becomes~~ become effective on July 1, 2019.

2. Section 1 of this act becomes effective on July 1, 2021.

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. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 195.

ASSEMBLYMEN YEAGER, FUMO, MCCURDY, FLORES; BACKUS, COHEN, DALY, HANSEN, KRASNER, MILLER, NGUYEN, PETERS, TORRES AND WATTS

JOINT SPONSOR: ~~SENATOR~~ SENATORS BROOKS ; HANSEN AND OHRENSCHALL

AN ACT relating to actions concerning persons; providing for the compensation of certain persons who were wrongfully convicted; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill authorizes a person who was wrongfully convicted in this State to bring an action for damages and other relief. Pursuant to **section 2**, a person may prevail in an action for wrongful conviction if: **(1)** the person did not commit perjury or fabricate evidence on the underlying criminal proceeding ~~and~~; **(2)** the person was convicted of a felony in this State and subsequently imprisoned or sentenced to a condition of parole or probation ~~and: (1)~~; **(3) the person did not commit the crime for which he or she was convicted and the person was not an accessory or accomplice to the acts that were the basis of the conviction; and (4)** the person's conviction was reversed or vacated and his or her charges were dismissed, ~~on the basis of new exculpatory evidence, (2)~~ if a new trial was ordered, ~~on the basis of new exculpatory evidence,~~ the person was found not guilty at the new trial or the person was not retried and his or her charges were dismissed ~~or (2)~~ or ~~(3)~~ the person was pardoned by the State Board of Pardons Commissioners on the grounds that the person was innocent. **Section 4** of this bill waives the State's immunity from liability in actions brought for such wrongful conviction ~~and~~ **and provides that any action brought pursuant to section 2 is not subject to a limitation on the amount of an award of damages under certain circumstances.**

Section 3 of this bill requires a court to enter a certificate of innocence if the person was successful in his or her wrongful conviction action. **Section 3** also requires a court to seal all records relating to the underlying wrongful conviction at the time the court enters a certificate of innocence.

Section 5 of this bill sets forth certain filing requirements and appellate rights relating to a wrongful conviction action. **Section 6** of this bill sets forth a 2-year statute of limitations under certain circumstances for the filing of an action for wrongful conviction.

Section 7 of this bill requires a court in a wrongful conviction action to award: (1) if the person was wrongfully imprisoned for 1 to 10 years, \$50,000 for each year of imprisonment; (2) if the person was wrongfully imprisoned for 11 to 20 years, \$75,000 for each year of imprisonment; or (3) if the person was wrongfully imprisoned for 21 years or more, \$100,000 for each year of imprisonment. **Section 7** also requires a court to award not less than \$25,000 for each year the person was sentenced to a condition of parole or probation or was required to register as a sex offender, whichever period of time was greater. **Section 7** also authorizes the court to order certain other relief, such as payment for the cost of tuition assistance and health care.

Section 8 of this bill sets forth certain limitations on the award amount a person can receive in his or her wrongful conviction action if the person has previously received a monetary award of damages against this State or entered into a settlement agreement with this State relating to his or her wrongful

conviction. **Section 8** also requires a person to reimburse this State for an award received as a result of an action brought pursuant to **section 2** if the person subsequently files another civil action relating to the same wrongful conviction. **Section 9 of this bill authorizes a court to give preference in setting the date of a trial in an action brought pursuant to section 2.**

WHEREAS, Nationally there are more than 2,395 persons listed on the National Registry of Exonerations, including 13 persons who were convicted in Nevada; and

WHEREAS, Convictions of innocent persons may be the result of many causes, including, without limitation, eyewitness misidentification, false confessions, improper forensic science and governmental misconduct; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned have been uniquely victimized, have distinct challenges reentering society and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned deserve an avenue of redress over and above existing tort remedies to seek compensation for damages; and

WHEREAS, Those innocent persons who can demonstrate by a preponderance of the evidence that they were wrongfully convicted of crimes and subsequently imprisoned should be able to recover damages against this State; now, therefore,

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 8, inclusive, of this act.

Sec. 2. 1. *A person may bring a civil action for his or her wrongful conviction against this State in a district court seeking damages or other relief provided by section 7 of this act.*

2. *The court shall award damages for wrongful conviction in accordance with section 7 of this act if the person proves by a preponderance of the evidence that:*

(a) He or she was convicted of a felony in this State and was subsequently imprisoned or sentenced to a condition of parole or probation for the conviction;

(b) He or she did not commit the felony for which he or she was convicted and the person was not an accessory or accomplice to the acts that were the basis of the conviction;

(c) Any of the following occurred:

(1) The judgment of conviction was reversed or vacated and the charging document was dismissed; ~~[on the basis of new exculpatory information;]~~

(2) If a court ordered a new trial ~~on the basis of new exculpatory information,~~ the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or

(3) The person was pardoned by the State Board of Pardons Commissioners on the grounds that he or she was innocent; and

~~(c)~~ (d) The person did not commit perjury or fabricate evidence at the criminal proceeding that brought about his or her felony conviction and the person did not by his or her own conduct cause or bring about his or her felony conviction.

3. The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence, may, in the interest of justice, give due consideration to:

(a) The difficulty of providing evidence caused by the passage of time;

(b) The death or unavailability of a witness;

(c) The destruction of evidence; or

(d) Any other factor not caused by the person or any other person acting on his or her behalf.

4. The court may appoint an attorney to aid a person in an action brought pursuant to this section.

5. For the purposes of subsection 2, the following do not constitute committing perjury, fabricating evidence or causing or bringing about the conviction of the person:

(a) A confession or an admission later found to be false; or

(b) If the judgment of conviction was reversed or vacated and the charging document dismissed ~~on the basis of new exculpatory evidence,~~ a guilty plea for a felony.

Sec. 3. 1. If a court finds that a person is entitled to a judgment pursuant to section 2 of this act, the court shall enter a certificate of innocence finding that the person was innocent of the felony for which the person was wrongfully convicted.

2. If a court does not find that a person is entitled to a judgment pursuant to section 2 of this act, the action must be dismissed and the court shall not enter a certificate of innocence.

3. Upon an entry of a certificate of innocence pursuant to subsection 1, the court shall order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada and shall order all such records of the person returned to the file of the court where the underlying criminal action was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the person or the court to have possession of such records. Such records must be sealed regardless of whether the person has any prior criminal convictions in this State.

Sec. 4. 1. *The State of Nevada waives its immunity from liability in any action brought pursuant to section 2 of this act and consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations.*

2. *An action brought pursuant to section 2 of this act is not subject to any requirement of an action brought pursuant to NRS 41.031, including, without limitation, the limitations on an award of damages described in NRS 41.035.*

Sec. 5. 1. *All pleadings filed pursuant to section 2 of this act must be captioned, “In the matter of the wrongful conviction of [name of the person bringing the action].”*

2. *The initial complaint filed in an action brought pursuant to section 2 of this act must be accompanied by a statement of facts verified by the person and served upon the Attorney General pursuant to the Nevada Rules of Civil Procedure.*

3. *All proceedings held pursuant to section 2 of this act must be tried before a court without a jury.*

4. *A judgment issued pursuant to section 2 of this act may be appealed to an appellate court of competent jurisdiction.*

5. *The doctrines of res judicata and collateral estoppel do not apply to ~~judgment issued~~ an action brought pursuant to section 2 of this act.*

Sec. 6. 1. *Except as otherwise provided in subsection 2, a person must bring an action pursuant to section 2 of this act within 2 years after:*

(a) *A judgment of conviction of the person was reversed or vacated and the charging document was dismissed; ~~on the basis of new exculpatory information;~~*

(b) *If a court ordered a new trial, ~~on the basis of new exculpatory information,~~ the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or*

(c) *The person was pardoned by the State Board of Pardons Commissioners on the grounds that the person is innocent.*

2. *If any of the events described in subsection 1 occurred before October 1, 2019, an action brought pursuant to section 2 of this act must be commenced not later than October 1, 2021.*

Sec. 7. 1. *In an action brought pursuant to section 2 of this act which results in the court entering a certificate of innocence pursuant to section 3 of this act, the court shall award the person:*

(a) *If the person was imprisoned for:*

(1) *1 to 10 years, \$50,000 for each year of imprisonment;*

(2) *11 to 20 years, \$75,000 for each year of imprisonment; or*

(3) *21 years or more, \$100,000 for each year of imprisonment; and*

(b) *Not less than \$25,000 for each year the person was sentenced to a condition of probation or parole, or not less than \$25,000 for each year the person was required to register as a sex offender, whichever period of time was greater.*

2. *In addition to any damages awarded pursuant to subsection 1, the court may award:*

(a) *Reasonable attorney's fees, not to exceed \$25,000, unless a greater amount is authorized by a court upon a finding of good cause shown.*

(b) *Payment for the cost of:*

(1) *Tuition, books and fees for the person to attend an institution operated by the Nevada System of Higher Education;*

(2) *Participation by the person in a health care program of this State;*

(3) *Programs for reentry into the community for the person; and*

(4) *Counseling services for the person;*

(c) *Reimbursement for:*

(1) *Restitution ordered to be paid by the person in the criminal proceeding for which he or she was wrongfully convicted; and*

(2) *Medical care paid for by the person while he or she was imprisoned for his or her wrongful conviction; and*

(d) *Any other relief, including, without limitation, housing assistance or assistance for financial literacy for the person.*

3. *Any award of damages issued pursuant to subsection 1 must be rounded up to the nearest half year.*

4. *A court shall not award and a person shall not receive compensation for any period of imprisonment during which the person was concurrently serving a sentence for a conviction of another offense for which the person was lawfully convicted and imprisoned.*

5. *If counseling services are awarded to the person pursuant to subsection 2, the person may select a relative to receive counseling with the person. As used in this subsection, "relative" means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.*

Sec. 8. 1. *If a person in an action brought pursuant to section 2 of this act has previously won a monetary award against this State in a civil action related to his or her wrongful conviction, the person is only entitled to receive any amount described in section 7 of this act, less the award obtained in the previous civil action.*

2. *If a person in an action brought pursuant to section 2 of this act has entered into a settlement agreement with this State related to his or her wrongful conviction, the person is entitled to receive any amount described in section 7 of this act, less the amount of the settlement agreement.*

3. *A person who was successful in his or her action brought pursuant to section 2 of this act and who subsequently filed another civil action relating to his or her wrongful conviction shall reimburse this State for his or her award of damages issued pursuant to section 7 of this act.*

4. *The calculation of an award of damages or a settlement amount pursuant to this section must not include attorney's fees and the costs for bringing the action.*

Sec. 9. *NRS 16.025 is hereby amended to read as follows:*

16.025 1. Upon the motion of a party to an action who is 70 years of age or older, the court may give preference in setting a date for the trial of the action, unless the court finds that the party does not have a substantial interest in the case as a whole.

2. A court may grant a motion for preference in setting a date for the trial of an action if the court determines that based upon clear and convincing medical evidence, a party to the action suffers from an illness or condition which raises a substantial medical doubt that the party will survive for more than 6 months, and the court determines that the interests of justice would be served by granting the motion.

3. If a motion for preference is granted pursuant to subsection 1 or 2:

(a) The court shall set a date for the trial of the action that is not more than 120 days after the hearing on the motion; and

(b) The court shall not continue the date for the trial of the action beyond 120 days after the hearing on the motion, except for the physical disability of a party or attorney in the action, or for other good cause entered on the record.

4. If the plaintiff in an action seeks to recover damages allegedly caused by a defendant during the commission of acts for which the defendant is convicted of a crime punishable as a felony, the court may, upon the motion of the plaintiff, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must, unless the court deems it infeasible, be held not more than 120 days after the hearing on the motion.

5. A court may, upon the motion of a plaintiff in an action brought pursuant to section 2 of this act, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must be held not more than 120 days after the hearing on the motion.

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. 280.

Bill read second time.

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

Amendment No. 378.

~~ASSEMBLYMAN~~ **ASSEMBLYMEN FLORES; BILBRAY-AXELROD, KRAMER AND SMITH**

AN ACT relating to document preparation services; **defining “business entity”**; authorizing a business entity to file a cash or surety bond for certain employees who perform document preparation services; **setting forth certain procedures for claiming against a bond**; exempting certain persons from the definition of a “document preparation service”; requiring an applicant for registration as a document preparation service to be a natural person; requiring the Secretary of State to deny or suspend the registration of a document

preparation service under certain circumstances; revising provisions related to certain prohibited acts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes requirements for the registration and practice of a person who provides a document preparation service, which includes: (1) defining a "document preparation service"; (2) requiring persons who provide a document preparation service to register with the Secretary of State; (3) requiring persons who register as a document preparation service with the Secretary of State to file a cash bond or surety bond; and (4) prohibiting a person who provides a document preparation service from committing certain acts. (Chapter 240A of NRS) **Section 2** of this bill authorizes a business entity to file a cash or surety bond with the Secretary of State on behalf of employees of the business entity who perform document preparation services for the business entity. **Section 3** of this bill sets the amount of the bond filed by a business entity based on the number of employees covered by the bond ~~and~~ **which includes temporary or seasonal employees. Section 3.5. of this bill establishes procedures for claiming against a bond.** **Section 7** of this bill lowers the amount of the bond required for an individual registrant from \$50,000 to \$25,000. **Section 6** of this bill makes conforming changes.

Section 1.5 of this bill defines the term "business entity."

Section 4 of this bill revises the definition of "document preparation service" to exempt enrolled agents who are authorized to practice before the Internal Revenue Service. **Section 5** of this bill requires an applicant for registration as a document preparation service to be a natural person. **Section 8** of this bill makes conforming changes. **Section 5** also requires the Secretary of State to deny the registration of an applicant as a document preparation service if the applicant has had his or her appointment or registration as a notary public suspended or revoked for cause in this State or another state. **Section 10** of this bill authorizes the Secretary of State to suspend the registration of a registrant who is also appointed as a notary public and whose appointment as a notary public has been suspended.

Existing law prohibits a registrant from: (1) negotiating with another person concerning the rights or responsibilities of a client, communicating the position of a client to another person or conveying the position of another person to a client; (2) appearing on behalf of a client in a court proceeding or other formal adjudicative proceeding; (3) providing certain advice, explanations, opinions or recommendations to a client; or (4) selecting documents or strategies to assist a client. (NRS 240A.240) **Under existing federal law, tax return preparers who are not enrolled agents have limited representation rights before the Internal Revenue Service. (IRS Rev. Proc. 2014-42)** **Section 9** of this bill clarifies that these prohibitions do not apply to a registrant to the extent that it would violate federal law.

Existing law also prohibits a registrant from using certain terms, including "notary public," in any advertisement or written description of the registrant or services offered. (NRS 240A.240) **Section 9** provides that a registrant who

is also an appointed notary public in this State and is in good standing with the Secretary of State may use the term “notary public” in such advertisements or written descriptions.

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

Section 1. Chapter 240A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~1.2 and 3.1~~ **1.5 to 3.5, inclusive**, of this act.

Sec. 1.5. “Business entity” means a corporation, association, partnership, limited-liability company, limited-liability partnership or other entity organized and existing under the laws of this State.

Sec. 2. 1. *A business entity that has one or more employees who perform document preparation services may file with the Secretary of State a cash bond or surety bond on behalf of all employees of the business entity who are registered as a document preparation service and provide document preparation services for the business entity. Any such bond must be for the applicable amount set forth in section 3 of this act.*

2. *If a business entity files a cash bond or surety bond pursuant to subsection 1, the employees of the business entity who are covered by the bond are not required to file a cash bond or surety bond pursuant to NRS 240A.120.*

3. *A cash or surety bond filed pursuant to subsection 1 must be approved as to form by the Attorney General and conditioned to provide:*

(a) *Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:*

(1) *An act or omission of a registrant employed by the business entity which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;*

(2) *A wrongful failure or refusal by a registrant employed by the business entity to provide services in accordance with a contract entered into pursuant to NRS 240A.190;*

(3) *The fraud, dishonesty, negligence or other wrongful conduct of a registrant employed by the business entity; or*

(4) *An act or omission of a registrant employed by the business entity in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or*

(b) *Payment to the Secretary of State for any civil penalty or award of attorney’s fees or costs of suit owing and unpaid by a registrant employed by the business entity to the Secretary of State pursuant to this chapter.*

4. *No part of a bond filed pursuant to this section may be withdrawn while the registration of a registrant employed by the business entity remains in effect, or while a proceeding to suspend or revoke the registration is pending.*

5. *If a surety bond is filed pursuant to subsection 1:*

(a) Except as otherwise provided in subsection 6, the bond must be executed by the business entity as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of registration of each employee of the business entity who is registered as a document preparation service and performs document preparation services for the business entity, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the business entity within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the business entity, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

6. If a business entity employs only one registrant to perform document preparation services, the registrant must be named as principal in the bond filed pursuant to this section.

7. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the business entity has ceased to do business, or 3 years after the date of the expiration or revocation of the registration of each employee of the business entity who is registered as a document preparation service and performs document preparation services for the business entity, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

8. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 5 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the business entity and each registrant covered under the bond in writing that their registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

9. *The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 8 if, before the current term of the registration expires, the business entity files with the Secretary of State a new bond meeting the requirements of this section or the registrant files with the Secretary of State a new bond meeting the requirements of NRS 240A.120.*

10. *Except as specifically authorized or required by this chapter, a business entity or registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.*

Sec. 3. 1. *A bond filed by a business entity pursuant to section 2 of this act on behalf of the employees of the business entity who are registered as a document preparation service must be in the penal sum of:*

~~11~~ (a) *If the business entity employs 1 registrant to perform document preparation services, \$25,000;*

~~12~~ (b) *If the business entity employs at least 2 but not more than 25 registrants to perform document preparation services, \$50,000;*

~~13~~ (c) *If the business entity employs at least 26 but not more than 75 registrants to perform document preparation services, \$75,000;*

~~14~~ (d) *If the business entity employs at least 76 but not more than 125 registrants to perform document preparation services, \$100,000;*

~~15~~ (e) *If the business entity employs at least 126 but not more than 200 registrants to perform document preparation services, \$150,000; and*

~~16~~ (f) *If the business entity employs more than 200 registrants to perform document preparation services, \$200,000.*

2. *For purposes of determining the amount of the bond required pursuant to subsection 1, the number of registrants employed by a business entity to perform document preparation services is the greatest number of registrants who will perform document preparation services for the business entity at any time during the year, including, without limitation, on a temporary or seasonal basis.*

Sec. 3.5. 1. *A claim against a bond filed pursuant to NRS 240A.120 or section 2 of this act may be filed in a court of competent jurisdiction for damages to the extent covered by the bond. A claim may not be brought against a bond after 3 years from the date of the act on which the action is based.*

2. *If a person commences an action pursuant to subsection 1, he or she must notify the Secretary of State in writing upon filing the action. Upon receiving such notification, the Secretary of State shall notify the person:*

(a) *Whether the bond is in effect;*

(b) *The amount of the bond; and*

(c) *If there is any other claim against the bond, the title, court and case number of the action and the amount sought by the plaintiff in the other action.*

3. *If a surety wishes to make payment without awaiting action by a court:*

(a) The amount of the bond must be reduced to the extent of any payment made by the surety in good faith under the bond; and

(b) Any payment must be based on written claims received by the surety before any action is taken by a court.

4. A surety may bring an action for interpleader against all claimants upon the bond. If such an action for interpleader is brought, the surety:

(a) Shall publish notice of the action at least once each week for 2 weeks in every issue of a newspaper of general circulation in the county of the principal place of business of the registrant or business entity, as applicable; and

(b) May deduct its costs of the action, including, without limitation, costs for attorney's fees and publication, from its liability under the bond.

5. Claims against a bond have equal priority. If a bond is insufficient to pay all claims in full, the claims must be paid on a pro rata basis. Any claimant may bring action against the registrant or business entity, as applicable, for the unpaid balance of a claim.

Sec. 3.7. NRS 240A.010 is hereby amended to read as follows:

240A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 240A.020 to 240A.050, inclusive, **and section 1.5 of this act**, have the meanings ascribed to them in those sections.

Sec. 4. NRS 240A.030 is hereby amended to read as follows:

240A.030 1. "Document preparation service" means a person who:

(a) For compensation and at the direction of a client, provides assistance to the client in a legal matter, including, without limitation:

(1) Preparing or completing any pleading, application or other document for the client;

(2) Translating an answer to a question posed in such a document;

(3) Securing any supporting document, such as a birth certificate, required in connection with the legal matter;

(4) Submitting a completed document on behalf of the client to a court or administrative agency; or

(5) Preparing or assisting in the preparation of all or substantially all of a federal or state tax return or claim for a tax refund; or

(b) Holds himself or herself out as a person who provides such services.

2. The term includes, without limitation:

(a) A paralegal who performs one or more of the actions described in subsection 1 unless the paralegal works under the direction and supervision of an attorney authorized to practice law in this State;

(b) A bankruptcy petition preparer as defined by section 110 of the United States Bankruptcy Code, 11 U.S.C. § 110; and

(c) ~~[An enrolled agent authorized to practice before]~~ **A tax return preparer, including, without limitation, a tax return preparer who holds a current Annual Filing Season Program Record of Completion issued by the Internal Revenue Service.**

3. The term does not include:

(a) A person who provides only secretarial or receptionist services.

(b) An attorney:

(1) Authorized to practice law in this State, or an employee of such an attorney who is paid directly by the attorney or law firm with whom the attorney is associated and who is acting in the course and scope of that employment.

(2) Authorized to practice law in any other state or the District of Columbia who provides services related to the legal matters described in subsection 2 of NRS 240A.040.

(c) A law student certified by the State Bar of Nevada for training in the practice of law.

(d) A governmental entity or an employee of such an entity who is acting in the course and scope of that employment.

(e) A nonprofit organization formed pursuant to title 7 of NRS which the Secretary of the Treasury has determined is a tax-exempt organization pursuant to 26 U.S.C. § 501(c) and which provides legal services to persons free of charge, or an employee of such an organization who is acting in the course and scope of that employment.

(f) A legal aid office or lawyer referral service operated, sponsored or approved by a duly accredited law school, a governmental entity, the State Bar of Nevada or any other bar association which is representative of the general bar of the geographical area in which the bar association exists, or an employee of such an office or service who is acting in the course and scope of that employment.

(g) A military legal assistance office or a person assigned to such an office who is acting in the course and scope of that assignment.

(h) Except as otherwise provided in paragraphs (b) and (c) of subsection 2, a person licensed by or registered with an agency or entity of the United States Government acting within the scope of his or her license or registration, including, without limitation, an accredited immigration representative **and an enrolled agent authorized to practice before the Internal Revenue Service.**

(i) A corporation, limited-liability company or other entity representing or acting for itself through an officer, manager, member or employee of the entity, or any such officer, manager, member or employee who is acting in the course and scope of that employment.

(j) A commercial wedding chapel.

(k) A person who provides legal forms or computer programs that enable another person to create legal documents.

(l) A commercial registered agent.

(m) A person who holds a license, permit, certificate, registration or any other type of authorization required by chapter 645 or 692A of NRS, or any regulation adopted pursuant thereto, and is acting within the scope of that authorization.

(n) A collection agency that is licensed pursuant to chapter 649 of NRS.

(o) A certified public accountant pursuant to the provisions of chapter 628 of NRS or a financial planner that is subject to the requirements of chapter 628A of NRS who is acting within the scope of the license or requirements, as applicable, to prepare or assist in preparing a federal or state tax return or claim for a tax refund for another person.

4. As used in this section:

(a) "Commercial registered agent" has the meaning ascribed to it in NRS 77.040.

(b) "Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.

Sec. 5. NRS 240A.100 is hereby amended to read as follows:

240A.100 1. A person who wishes to engage in the business of a document preparation service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be ~~at~~:

(a) **A natural person;**

(b) A citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security ; ~~at~~ and ~~be at~~

(c) **At** least 18 years of age.

2. The Secretary of State shall not register as a document preparation service any person:

(a) Who is suspended or has previously been disbarred from the practice of law in any jurisdiction;

(b) Whose registration as a document preparation service in this State or another state has previously been revoked for cause;

(c) **Whose appointment or registration as a notary public in this State or another state has been previously revoked or suspended for cause;**

(d) Who has previously been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor or a category D felony pursuant to NRS 240A.290; or

~~(d)~~ (e) Who has, within the 10 years immediately preceding the date of the application for registration as a document preparation service, been:

(1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty;

(2) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, the unauthorized practice of law pursuant to NRS 7.285 or the corresponding statute of any other jurisdiction; or

(3) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

3. An application for registration as a document preparation service must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A nonrefundable application fee of \$50; and

(b) A cash bond or surety bond meeting the requirements of NRS 240A.120 ~~or~~ ***or proof that the applicant is covered by a bond filed by a business entity pursuant to section 2 of this act.***

4. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as a document preparation service revoked or suspended in this State or any other state or territory of the United States.

5. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

6. An application for registration as a document preparation service that is not completed within 120 days after the date on which the application was submitted must be denied. If an application is denied pursuant to this subsection, the applicant may submit a new application.

Sec. 6. NRS 240A.110 is hereby amended to read as follows:

240A.110 1. The registration of a document preparation service is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A renewal fee of \$25; and

(b) A cash bond or surety bond meeting the requirements of NRS 240A.120 ~~or~~ ***or proof that the applicant is covered by a bond filed by a business entity pursuant to section 2 of this act,*** unless the bond previously filed by the registrant remains on file and in effect.

2. The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires.

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or NRS 240A.270, the Secretary of State shall renew the registration if

the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 7. NRS 240A.120 is hereby amended to read as follows:

240A.120 1. ~~1A~~ ***Except as otherwise provided in sections 2 and 3 of this act,*** a registrant shall file with the Secretary of State a cash bond or surety bond in the penal sum of ~~150,000~~ **\$25,000** which is approved as to form by the Attorney General and conditioned to provide:

(a) Indemnification to a client or any other person who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to NRS 240A.190;

(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or

(4) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

3. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

4. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

5. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 3 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

6. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 5 if, before the current term of the registration expires, the registrant files with the Secretary of State a new bond meeting the requirements of this section.

7. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 8. NRS 240A.130 is hereby amended to read as follows:

240A.130 1. In addition to any other requirements set forth in this chapter:

(a) A ~~natural~~ person who applies for registration or the renewal of registration as a document preparation service pursuant to NRS 240A.100 or 240A.110 must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as a document preparation service may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 9. NRS 240A.240 is hereby amended to read as follows:

240A.240 **1.** A registrant shall not:

~~1-1~~ (a) After the date of the last service performed for a client, retain any fees or costs for services not performed or costs not incurred.

~~1-2~~ (b) Make, orally or in writing:

~~1(a)~~ (1) A promise of the result to be obtained by the filing or submission of any document, unless the registrant has some basis in fact for making the promise;

~~1(b)~~ (2) A statement that the registrant has some special influence with or is able to obtain special treatment from the court or agency with which a document is to be filed or submitted; or

~~1(c)~~ (3) A false or misleading statement to a client if the registrant knows that the statement is false or misleading or knows that the registrant lacks a sufficient basis for making the statement.

~~3.—In~~

(c) *Except as otherwise provided in subsection 3, in* any advertisement or written description of the registrant or the services provided by the registrant, or on any letterhead or business card of the registrant, use the term “legal aid,” “legal services,” “law office,” “notario,” “notario publico,” “notary public,” “notary,” “paralegal,” “legal assistant,” “licensed,” “licenciado,” “attorney,” “lawyer” or any similar term, in English, Spanish or any other language, which implies that the registrant:

~~1(a)~~ (1) Offers services without charge if the registrant does not do so;

~~1(b)~~ (2) Is an attorney authorized to practice law in this State; or

~~1(c)~~ (3) Is acting under the direction and supervision of an attorney.

~~4-~~ (d) Represent himself or herself, orally or in writing, as a paralegal or legal assistant which implies that the registrant is acting under the direction and supervision of an attorney licensed to practice law in this State.

~~5.—Negotiate~~

(e) *Except as otherwise provided in subsection 2, negotiate* with another person concerning the rights or responsibilities of a client, communicate the

position of a client to another person or convey the position of another person to a client.

~~{6.—Appear}~~

(f) Except as otherwise provided in subsection 2, appear on behalf of a client in a court proceeding or other formal adjudicative proceeding, unless the registrant is ordered to appear by the court or presiding officer.

~~{7.—Provide}~~

(g) Except as otherwise provided in subsection 2, provide any advice, explanation, opinion or recommendation to a client about possible legal rights, remedies, defenses, options or the selection of documents or strategies, except that a registrant may provide to a client published factual information, written or approved by an attorney, relating to legal procedures, rights or obligations.

~~{8.—}~~ *(h) Seek or obtain from a client a waiver of any provision of this chapter. Any such waiver is contrary to public policy and void.*

2. *The provisions of paragraphs (e), (f) and (g) of subsection 1 do not apply to a registrant to the extent that compliance with such provisions would violate federal law.*

3. *A registrant who is also a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State may, in any advertisement or written description of the registrant or the services provided by the registrant, use the term “notary public.”*

Sec. 10. NRS 240A.270 is hereby amended to read as follows:

240A.270 1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in ~~subsection~~ **subsections 2** ~~{}~~ and **3**, a suspension or revocation may be imposed only after a hearing.

2. *The Secretary of State may suspend the registration of any person who is also appointed as a notary public pursuant to NRS 240.010 and whose appointment as a notary public is suspended for violating the provisions of NRS 240.001 to 240.169, inclusive, or a regulation or order adopted or issued pursuant thereto. If the Secretary of State suspends the registration of a registrant pursuant to this subsection:*

(a) The Secretary of State shall notify the registrant in writing of the suspension.

(b) The registrant may have his or her registration as a document preparation service reinstated by the Secretary of State if his or her registration as a document preparation service has not expired during the suspension upon a showing that his or her suspension as a notary public has been lifted.

~~{2.—The}~~

3. *Except as otherwise provided in subsection 2, the* Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:

(a) The entry of a judgment or conviction; or

(b) The occurrence of any other event,

↳ that would disqualify the registrant from registration pursuant to subsection 2 of NRS 240A.100.

Sec. 11. This act becomes effective upon passage and approval.

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. 286.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 305.

AN ACT relating to personal financial administration; **revising provisions relating to certain fees charged by the clerk of the court;** revising provisions relating to the statutory rule against perpetuities; clarifying certain provisions relating to nonprobate transfer of property upon death; providing that certain sums derived from the sale of a homestead are exempt from the execution of a judgment; revising provisions that govern the transfer of community property or separate property into a trust; revising certain provisions that govern wills and estates of deceased persons; revising certain provisions of the Uniform Powers of Appointment Act; revising certain provisions that govern trusts and the administration of trusts; ~~revising certain provisions that govern spendthrift trusts;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the clerk of the court is required to charge and collect certain fees on the filing of a petition for letters testamentary or letters of administration for an estate that is valued at \$200,000 or more and for an estate that is valued at more than \$20,000 but less than \$200,000. (NRS 19.0302) Section 1 of this bill increases the \$200,000 amount to \$300,000.

Existing law sets forth the Uniform Statutory Rule Against Perpetuities. (NRS 111.103-111.1039) This rule provides that a property interest which has not vested is invalid unless: (1) when the property interest is created, it is certain to vest or terminate no later than 21 years after the death of a person who is alive when the interest is created; or (2) the property interest either vests or terminates within 365 years after its creation. (NRS 111.1031) Existing law further provides that if language in a governing instrument for a trust or other property arrangement seeks to disallow or postpone the vesting or termination of any interest or trust beyond or until the later of the expiration of a period of time not exceeding or that exceeds or might exceed 21 years after the death of certain persons, such language is inoperative to the extent that it produces a period of time that exceeds 21 years after the death of certain persons. (NRS

111.1031) **Section 4** of this bill removes this limitation on a governing instrument for a trust or other property.

Article 15, section 4 of the Nevada Constitution provides that “[n]o perpetuities shall be allowed except for eleemosynary purposes.” According to the Nevada Supreme Court, “ ‘eleemosynary’ is synonymous with ‘charitable,’ . . . (*Nixon v. Brown*, 46 Nev. 439, 457 (1923)) The constitutional provision against perpetuities is directed at private trusts and not at public or charitable trusts.” *Id.* Existing law provides exclusions to which the statutory rule against perpetuities does not apply. (NRS 111.1037) **Section 5** of this bill provides that the statutory rule against perpetuities does not apply to a property interest in or a power of appointment with respect to certain trusts or other property arrangements that were established for eleemosynary purposes.

Existing law sets forth various provisions governing nonprobate transfer of property upon death. (NRS 111.700-111.815) Existing law provides that a creditor has no claim against property transferred according to a power of appointment that was exercised by a decedent unless it was exercisable in favor of the decedent or the decedent’s estate. (NRS 111.779) **Section 6** of this bill provides that a creditor has no claim against property transferred according to a power of appointment that was exercised by a decedent unless the power of appointment was actually exercised in favor of the decedent or the decedent’s estate.

Existing law provides that a homestead is not subject to forced sale on execution or any final process from any court, subject to certain exceptions. Existing law further provides that this exemption for homesteads extends only to the amount of equity in the property which does not exceed \$550,000 in value. (NRS 115.010) Existing law defines “homestead” to mean the property consisting of: (1) a quantity of land, together with the dwelling house and its appurtenances; (2) a mobile home; or (3) a unit existing in a common-interest community or a condominium project. (NRS 115.005) Existing law provides that if the equity in the homestead exceeds the sum of \$550,000, the judge shall determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury. If such division cannot occur, existing law requires: (1) the judge to order the entire property to be sold; and (2) that, from the proceeds of such a sale, the sum of \$550,000 must be paid to the defendant in execution, with certain rules applying when the execution is against a spouse. (NRS 115.050) **Section 7** of this bill provides that if the sum of \$550,000 is paid to the defendant in execution or to a spouse, then the sum of \$550,000 possesses all the protections that the original homestead possessed. Existing law provides that the homestead is exempt from execution of a judgment. (NRS 21.090) **Section 2** of this bill provides that the sum of \$550,000 that is paid to the defendant or spouse is also exempt from execution of a judgment. **Sections ~~1.5~~ 1.5 and 3** of this bill make conforming changes.

Existing law authorizes a trust instrument to provide that community property or separate property transferred into an irrevocable trust of which

both spouses are current permissible beneficiaries remains community property or separate property, as applicable, during the marriage. (NRS 123.125) **Section 8** of this bill ~~provides that, except as otherwise provided in~~ **authorizes** a trust instrument ~~for certain other instruments,~~ **to provide that** community property or separate property transferred into ~~a revocable or~~ an irrevocable trust of which both spouses are ~~current permissible~~ **distribution** beneficiaries remains community property or separate property, as applicable, during the marriage. ~~Section 9 of this bill makes a conforming change. Section 8 further authorizes a spouse to transfer his or her interest in community property into a separate trust but prohibits such a spouse from encumbering, pledging, transferring or otherwise distributing the interest in community property while the other spouse is alive without the written consent of the spouse.~~ The Nevada Supreme Court found that “[t]ransmutation from separate to community property must be shown by clear and convincing evidence.” (*Sprenger v. Sprenger*, 110 Nev. 855, 858 (1994)) **Section 8** incorporates this standard by requiring a spouse or party to a case to establish by clear and convincing evidence the transmutation of community property or separate property that is transferred into a trust into separate property or community property, as applicable.

Existing law provides that kindred of the half blood inherit equally with those of the whole blood in the same degree, unless the inheritance comes to the decedent from an ancestor, in which case those who are not of the blood of the ancestor are excluded from the inheritance. (NRS 134.160) **Section 10** of this bill provides that kindred of the half blood inherit equally with those of the whole blood in the same degree.

Existing law grants exclusive jurisdiction of the settlement of an estate to the district court in the county where the decedent was a resident at the time of death. Existing law provides that the estate of a nonresident decedent may be settled by the district court of any county in which part of the estate is located. (NRS 136.010) **Section 11** of this bill provides that the estate of a decedent may be settled by the district court of any county in which any part of the estate is located or where the decedent was a resident at the time of death. **Section 11** further provides that if the decedent was a resident of this State at his or her time of death, the district court of any county in this State may assume jurisdiction of the settlement of the estate only after considering the convenience of the forum to certain parties. **Section 11** additionally provides that after a properly noticed hearing is held, the district court that first assumes jurisdiction of the settlement of an estate has exclusive jurisdiction of the settlement of that estate. Existing law requires a petition for the probate of a will and issuance of letters to state certain facts and information. (NRS 136.090) **Section 12** of this bill requires such a petition to state how the district court in which the petition is being filed is a convenient forum to certain parties.

Existing law sets forth the procedure for petitioning for probate and proving a lost or destroyed will by using a copy of such a lost or destroyed will or a

statement of the testamentary words. Existing law further provides that the production of a person's lost or destroyed will, whose primary beneficiary is a certain nontestamentary trust, creates a rebuttable presumption that the will had not been revoked. (NRS 136.240) **Section 13** of this bill provides that the production of a copy of a person's lost or destroyed will, whose provisions are clearly and distinctly proved by two or more credible witnesses, creates a rebuttable presumption that the will had not been revoked. **Section 13** further provides that a person may overcome these presumptions only by proving by a preponderance of the evidence that the person whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death.

Existing law provides for the enforcement of a no-contest clause in a will or trust. (NRS 137.005, 163.00195) **Sections 14 and 23** of this bill provide, with certain exceptions, that a no-contest clause in a will or trust must be enforced by a court according to the terms expressly stated in the no-contest clause. **Sections 14 and 23** expand the number of exceptions to enforcing a no-contest clause in a will or trust.

Existing law authorizes a court, by temporary order, to: (1) restrain a personal representative or a trustee from performing certain acts; or (2) enter any other order to secure proper performance of the duties of the office. Any temporary order entered by a court must be set for hearing within 10 days after entry of the temporary order and notice must be given to the personal representative or trustee. (NRS 143.165, 163.115) **Sections 15 and 22** of this bill authorize a court to enter an ex parte order: (1) restraining a personal representative or a trustee from performing certain acts; or (2) enter any other order to secure proper performance of the duties of the office that is effective until further order of the court. **Sections 15 and 22** authorize a court to impose a fine on an interested person or a beneficiary who obtains an ex parte order without probable cause and further authorize the court to terminate an ex parte order in certain circumstances. **Sections 25 and 27-31** of this bill make conforming changes.

After the filing of the inventory of an estate, existing law: (1) authorizes a court to set apart for the use of the surviving spouse, minor child or minor children of the decedent all of the personal property which is exempt by law from execution; and (2) requires a court to set apart the homestead. Such property set apart by a court is not subject to administration of the estate. (NRS 146.020) **Section 16** of this bill removes the provision that such setting apart must happen after the filing of the inventory of the estate. If, after setting apart the property, the remaining assets of the estate do not exceed \$100,000 and may be set aside without administration, **section 16** requires the court to follow the procedure used to set aside the remaining assets of the estate without administration. If, after setting apart the property, the remaining assets of the estate exceed \$100,000 and may not be set aside without administration, **section 16** requires the court to administer the remaining assets of the estate as if the remaining assets of the estate are the only assets of the estate.

During the 2017 Legislative Session, the Nevada Legislature adopted the Uniform Powers of Appointment Act. (Chapter 162B of NRS) **Sections 17-21** of this bill revise certain provisions of the Act.

Existing law provides that, unless the terms of the instrument creating a power of appointment manifest a contrary intent, the creation, revocation or amendment of the power and the exercise, release or disclaimer of the power is governed by the law of the donor's or powerholder's domicile at the relevant time. (NRS 162B.105) **Section 17** of this bill provides that, unless the terms of the instrument creating a power of appointment manifest a contrary intent, the creation, revocation or amendment of the power and the exercise, release or disclaimer of the power is ~~governed by:~~ **valid if permitted under any of:** (1) the governing law adopted by the instrument; or (2) the law of the donor's or powerholder's domicile at the relevant time.

Existing law provides that a power of appointment is created only if the instrument creating the power: (1) is valid under applicable law; and (2) except in certain situations, transfers the appointive property. (NRS 162B.200) **Section 18** of this bill removes the requirement that the instrument creating the power must transfer the appointive property.

Existing law authorizes a powerholder of a nongeneral power, unless the terms of the instrument creating a power of appointment manifest a contrary intent, to create a general power in a permissible appointee. (NRS 162B.320) **Section 19** of this bill authorizes a powerholder of a nongeneral power, unless the terms of the instrument creating a power of appointment manifest a contrary intent, to create a general power or a nongeneral power in a permissible appointee.

Existing law authorizes a powerholder to revoke or amend an exercise of a power of appointment only in certain situations. (NRS 162B.365) **Section 20** of this bill authorizes a powerholder to revoke or amend an exercise of a power appointment unless expressly prohibited by the instrument.

Existing law provides that appointive property subject to a general power of appointment created by a person other than the powerholder is subject to a claim of certain creditors. (NRS 162B.510) **Section 21** of this bill provides that such ~~appointive~~ property **subject to a general power of appointment** is not subject to a claim of any creditor, unless the ~~property~~ **power of appointment** was ~~exercisable~~ **actually exercised** in favor of the decedent or the decedent's estate.

Existing law provides that a trust is irrevocable by the settlor except to the extent that a right to amend or a right to revoke the trust is expressly reserved by the settlor. (NRS 163.004) **Section 24** of this bill provides that, in addition to situations where a settlor reserves a right of revocation, one or more other persons may amend or revoke a trust if such a right is granted to such persons under the terms of the trust instrument.

Existing law authorizes a beneficiary or cotrustee to maintain a proceeding if a trustee commits or threatens to commit a breach of trust. (NRS 163.115) **Section 26** of this bill authorizes a settlor, cotrustee or beneficiary of a trust or

a court, on its own initiative, to request a court to remove a trustee in certain circumstances. **Section 26** further authorizes the court to order that a settlor, cotrustee or beneficiary of a trust who institutes a proceeding against a trustee without good faith and not based on probable cause pay all or any part of the costs of the proceeding, including reasonable attorney's fees.

Existing law sets forth the circumstances under which a trustee may appoint property of one trust to a second trust. Existing law prohibits a trustee from appointing property of the original trust to a second trust in certain circumstances, including where property held for the benefit of one or more beneficiaries under both the original and second trust has a lower value than the value of the property held for the benefit of such beneficiaries under only the original trust. (NRS 163.556) **Section 32** of this bill removes this prohibition.

Existing law authorizes a trust to refer to a written statement or list to dispose of items of tangible personal property not otherwise disposed of by the trust. Existing law prohibits such a statement or list from disposing of money, evidences of indebtedness, documents of title, securities and property used in a trade or business. (NRS 163.590) **Section 33** of this bill authorizes such a statement or list to dispose of items of trust property not otherwise specifically disposed of by the trust. **Section 33** further provides that such a statement or list may be used to dispose of all items of trust property, regardless of whether the trust property is real or personal property or tangible or intangible property. **Section 33** authorizes the trust instrument to limit the use of such statement or list to: (1) only dispose of tangible personal property; or (2) prevent the statement or list from being used to dispose of certain types of property.

Senate Bill No. 484 of the 78th Legislative Session replaced the term "excluded fiduciary" with "directed fiduciary." (Chapter 524, Statutes of Nevada 2015, p. 3518) Existing law still defines "excluded fiduciary" although this term has been replaced. (NRS 163.5539) **Section 47** of this bill repeals the definition for "excluded fiduciary." **Section 46** of this bill makes a conforming change.

Existing law sets forth various requirements for the expenses and compensation of a trustee of a testamentary trust. (NRS 153.070) **Section 34** of this bill adds similar requirements for the expenses and compensation of a trustee of a nontestamentary trust.

Existing law authorizes the trustee of a nontestamentary trust, after the death of the settlor of the trust, to publish a notice and mail a copy of the notice to known or readily ascertainable creditors. Such a notice must comply with the format provided in existing law. (NRS 164.025) **Section 35** of this bill creates an additional format for such a notice for a claim against a settlor.

Existing law authorizes virtual representation in the administration of trusts. Under existing law, certain persons may be represented by another person who has a substantially similar interest with respect to the question or dispute. (NRS 164.038) **Section 36** of this bill authorizes a powerholder of a power of

appointment to represent and bind a person who is a permissible appointee or a taker in default of appointment.

Existing law sets forth that the laws of this State govern the validity and construction of a trust in certain situations. Existing law further prohibits a trust instrument or designation from extending the duration of the trust beyond the rule against perpetuities that is otherwise applicable to the trust at the time of its creation. (NRS 164.045) **Section 37** of this bill removes this prohibition.

Existing law provides that a provision in a will or trust instrument requiring the arbitration of certain disputes between or among certain parties is enforceable. (NRS 164.930) Existing law requires an agreement, including an agreement requiring a person to submit to arbitration of any dispute arising between the parties to the agreement, to include a provision indicating that the person has affirmatively agreed to the arbitration requirement. (NRS 597.995) **Section 38** of this bill clarifies that this affirmative agreement to arbitration requirement does not apply to an arbitration provision in a will or trust. **Section 45** of this bill makes a conforming change.

Existing law authorizes the terms of a trust instrument to expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in certain manners that are not illegal or against public policy. (NRS 165.160) **Section 47** of this bill repeals this existing law.

~~Existing law sets forth the restraints on alienation for a spendthrift trust (NRS 166.120) Section 43 of this bill provides that such restraints on alienation are a restriction on the transfer of a beneficial interest of the transferor in the trust that is enforceable under applicable nonbankruptcy law under federal bankruptcy law.~~

~~Existing law prohibits a person from bringing an action with respect to a transfer of property to a spendthrift trust unless such an action is brought within a certain period of time. (NRS 166.170) Section 44 of this bill prohibits a person from bringing an action with respect to the validity of a trust or to its qualification as a spendthrift trust unless the action is commenced within 2 years after the trust is created.~~

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

Section 1. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, the clerk of the court shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer..... \$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants \$99

(c) On the filing of a petition for letters testamentary or letters of administration, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is ~~less than \$200,000~~ \$300,000 or more \$352

(2) Where the stated value of the estate is more than \$20,000 but less than ~~\$200,000~~ \$300,000 \$99

(3) Where the stated value of the estate is \$20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto \$200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto \$1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as “complex” pursuant to the local rules of practice,

↳ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding \$349

(g) On the filing of a third-party complaint, to be paid by the filing party \$135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party \$349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court \$10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the district court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

- (1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;
- (2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;
- (3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;
- (4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;
- (5) Acquire advanced technology;
- (6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;
- (7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;
- (8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or
- (9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court.

4. Each clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to \$10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

~~Section 1.~~ **Sec. 1.5.** NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, ***including the proceeds from the sale of such property***, not to exceed \$550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than \$15,000.

12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage was \$770 or less on the date the most recent writ of garnishment was issued, or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage exceeded \$770 on the date the most recent writ of garnishment was issued, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed \$1,000,000 in present value, held in:

(a) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(b) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(c) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the contingency has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether

to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$10,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment

of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing to determine whether the property or money is exempt must be held within 7 judicial days after the objection to the claim of exemption and notice for the hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 82 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued was \$770 or less, 75 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including ~~the~~ :

(1) The sum of \$550,000 that is paid to the defendant in execution pursuant to subsection 2 of NRS 115.050 or to a spouse pursuant to subsection 3 of NRS 115.050; and

(2) A homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed \$1,000,000 in present value, held in:

(1) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(2) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(3) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed \$10,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in NRS 163.4155 that is a discretionary interest as described in NRS 163.4185, if the interest has not been distributed;

(3) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been exercised;

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in NRS 163.4155 that is a mandatory interest as described in NRS 163.4185, if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in NRS 163.4155 that is a support interest as described in NRS 163.4185, if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291 and 422A.325.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Reform Act of 1978, 11 U.S.C. §§ 101 et seq., do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➔ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, ***including the proceeds from the sale of such property***, not to exceed \$550,000, unless:
 - (a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
 - (b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.
10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.
11. A vehicle, if your equity in the vehicle is less than \$15,000.
12. Eighty-two percent of the take-home pay for any workweek if your gross weekly salary or wage on the date the most recent writ of garnishment was issued was \$770 or less, or seventy-five percent of the take-home pay for any workweek if your gross weekly salary or wage on the date the most recent writ of garnishment was issued exceeded \$770, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.
13. Money, not to exceed \$500,000 in present value, held in:
 - (a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;
 - (b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;
 - (c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;
 - (d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and
 - (e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a contingent interest, if the interest has not been satisfied or removed;

(b) A present or future interest in the income or principal of a trust for which discretionary power is held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(c) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(d) Certain powers held by a trust protector or certain other persons; and

(e) Any power held by the person who created the trust.

17. If a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust that is a mandatory interest in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; and

(b) A present or future interest in the income or principal of a trust that is a support interest in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is

dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed \$1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

↳ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through (name of organization in county providing legal services to the indigent or elderly persons). If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk an executed claim of exemption. A copy of the claim of exemption must be served upon the sheriff, the garnishee and the judgment creditor within 10 days after the notice of execution or garnishment is served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on. The property must be released by the garnishee or the sheriff within 9 judicial days after you serve the claim of exemption upon the sheriff, garnishee and judgment creditor, unless the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing must be held within 7 judicial days after the objection to the claim of exemption and notice for a hearing is filed. You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an

annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE EXECUTED CLAIM OF EXEMPTION WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 4. NRS 111.1031 is hereby amended to read as follows:

111.1031 1. A nonvested property interest is invalid unless:

(a) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of a natural person then alive; or

(b) The interest either vests or terminates within 365 years after its creation.

2. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(a) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of a natural person then alive; or

(b) The condition precedent either is satisfied or becomes impossible to satisfy within 365 years after its creation.

3. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

(a) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of a natural person then alive; or

(b) The power is irrevocably exercised or otherwise terminates within 365 years after its creation.

4. In determining whether a nonvested property interest or a power of appointment is valid under paragraph (a) of subsection 1, paragraph (a) of subsection 2 or paragraph (a) of subsection 3, the possibility that a child will be born to a person after his or her death is disregarded.

~~5. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument seeks to disallow the vesting~~

~~or termination of any interest or trust beyond, seeks to postpone the vesting or termination of any interest or trust until, or seeks to operate in effect in any similar fashion upon, the later of:~~

~~—(a) The expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement; or~~

~~—(b) The expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement;~~

~~↳ that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.]~~

Sec. 5. NRS 111.1037 is hereby amended to read as follows:

111.1037 NRS 111.1031 does not apply to:

1. A nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of:

(a) A premarital or postmarital agreement;

(b) A separation or divorce settlement;

(c) A spouse's election;

(d) A similar arrangement arising out of a prospective, existing or previous marital relationship between the parties;

(e) A contract to make or not to revoke a will or trust;

(f) A contract to exercise or not to exercise a power of appointment;

(g) A transfer in satisfaction of a duty of support; or

(h) A reciprocal transfer;

2. A fiduciary's power relating to the administration or management of assets, including the power of a fiduciary to sell, lease or mortgage property, and the power of a fiduciary to determine principal and income;

3. A power to appoint a fiduciary;

4. A discretionary power of a trustee to distribute principal before termination of a trust to a beneficiary having an indefeasibly vested interest in the income and principal;

5. A nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;

6. ***A property interest in or a power of appointment with respect to a trust or other property arrangement if such a trust or other property arrangement:***

(a) Was established for eleemosynary purposes; and

(b) As set forth in the terms of such trust or other property arrangement, is to continue for an indefinite or unlimited period;

7. A nonvested property interest in or a power of appointment with respect to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent

contractors, or their beneficiaries or spouses, to which contributions are made for the purpose of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income or principal in the trust or other property arrangement, except a nonvested property interest or a power of appointment that is created by an election of a participant or a beneficiary or spouse; or

~~7.1~~ 8. A property interest, power of appointment or arrangement that was not subject to the common-law rule against perpetuities or is expressly excluded by another statute of this state.

Sec. 6. NRS 111.779 is hereby amended to read as follows:

111.779 1. Except as otherwise provided in NRS 21.090 and other applicable law, a transferee of a nonprobate transfer is liable to the probate estate of the decedent for allowed claims against that decedent's probate estate to the extent the estate is insufficient to satisfy those claims.

2. The liability of a nonprobate transferee may not exceed the value of nonprobate transfers received or controlled by that transferee.

3. Nonprobate transferees are liable for the insufficiency described in subsection 1 in the following order of priority:

(a) A transferee specified in the decedent's will or any other governing instrument as being liable for such an insufficiency, in the order of priority provided in the will or other governing instrument;

(b) The trustee of a trust serving as the principal nonprobate instrument in the decedent's estate plan as shown by its designation as devisee of the decedent's residuary estate or by other facts or circumstances, to the extent of the value of the nonprobate transfer received or controlled; and

(c) Other nonprobate transferees, in proportion to the values received.

4. Unless otherwise provided by the trust instrument, interests of beneficiaries in all trusts incurring liabilities under this section abate as necessary to satisfy the liability, as if all the trust instruments were a single will and the interests were devised under it.

5. If a nonprobate transferee is a spouse or a minor child, the nonprobate transferee may petition the court to be excluded from the liability imposed by this section as if the nonprobate property received by the spouse or minor child were part of the decedent's estate. Such a petition may be made pursuant to the applicable provisions of chapter 146 of NRS, including, without limitation, the provisions of NRS 146.010 ~~and~~ ~~NRS~~ ~~and~~ 146.020 ~~without regard to the filing of an inventory~~ and subsection 2 of NRS 146.070.

6. A provision made in one instrument may direct the apportionment of the liability among the nonprobate transferees taking under that or any other governing instrument. If a provision in one instrument conflicts with a provision in another, the later one prevails.

7. Upon due notice to a nonprobate transferee, the liability imposed by this section is enforceable in probate proceedings in this State, whether or not the transferee is located in this State.

8. If a probate proceeding is pending at the time of filing and it has been determined by a final order issued by the probate court that there are insufficient assets to pay a valid creditor, a proceeding under this section may be commenced by one of the following persons:

(a) The personal representative of the decedent's estate. A personal representative who declines in good faith to commence a proceeding incurs no personal liability for declining.

(b) A creditor of the estate, if the personal representative has declined or refused to commence an action within 30 days after receiving a written demand by a creditor. Such demand must identify the nonprobate transfers known to the creditor. If the creditor is unaware of any nonprobate transfers, in the probate proceeding, the creditor may, pursuant to NRS 155.170, obtain discovery, perpetuate testimony or conduct examinations in any manner authorized by law or by the Nevada Rules of Civil Procedure to ascertain whether any nonprobate transfers exist. If the creditor is unable to identify any nonprobate transfers within a reasonable time after conducting discovery, the creditor may not proceed under this section. If a creditor commences an action under this section:

(1) The creditor must proceed at the expense of the creditor and not of the estate.

(2) If a creditor successfully establishes an entitlement to payment under this section and collects nonprobate transfers, the court must order the reimbursement of the costs reasonably incurred by the creditor, including attorney's fees, from the transferee from whom the payment is to be made, subject to the limitations of subsection 2, or from the estate as a cost of administration, or partially from each, as the court deems just.

9. If a probate proceeding is not pending, a proceeding under this section may be commenced as a civil action by a creditor at the expense of the creditor.

10. If a proceeding is commenced pursuant to this section, it must be commenced:

(a) If a probate proceeding is pending in which notice to creditors has been given at the time of filing a proceeding under this section:

(1) As to a creditor whose claim was properly and timely filed, allowed by the personal representative or partially allowed by the personal representative, and accepted by the creditor pursuant to NRS 147.160, within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(2) As to a creditor:

(I) Whose claim was rejected by the personal representative, partially allowed by the personal representative and rejected by the creditor pursuant to NRS 147.160, or deemed rejected by the personal representative pursuant to NRS 147.110;

(II) Who adjudicated the creditor's claims in the proper court or by a summary adjudication; and

(III) Who obtained a favorable final judgment on its claim from the proper court,

↳ within 60 days after the probate court enters an order confirming the amount of payment of the approved claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(b) If an action had been commenced against the decedent before the decedent's death, the creditor receives a judgment against the decedent's estate and the creditor has filed a proper and timely creditor's claim against the estate, within 60 days after the probate court enters an order confirming the amount of payment of the adjudicated claim that is final and no longer subject to reconsideration or appeal or within 1 year after the decedent's death, whichever is later.

(c) As to the recovery of benefits paid for Medicaid, within 3 years after the decedent's death.

(d) As to all other creditors, within 1 year after the decedent's death.

11. Unless a written notice asserting that a decedent's probate estate is nonexistent or insufficient to pay allowed claims and statutory allowances has been received from the decedent's personal representative, the following rules apply:

(a) Payment or delivery of assets by a financial institution, registrar or other obligor to a nonprobate transferee in accordance with the terms of the governing instrument controlling the transfer releases the obligor from all claims for amounts paid or assets delivered.

(b) A trustee receiving or controlling a nonprobate transfer is released from liability under this section with respect to any assets distributed to the trust's beneficiaries. Each beneficiary to the extent of the distribution received becomes liable for the amount of the trustee's liability attributable to assets received by the beneficiary.

12. Except as otherwise provided in subsection 13, notwithstanding any provision of this section to the contrary:

(a) A creditor has no claim against:

(1) Property transferred pursuant to a power of appointment exercised by a decedent unless ~~it~~ **the power of appointment** was ~~exercisable~~ **actually exercised** in favor of the decedent or the decedent's estate.

(2) Property transferred pursuant to a beneficiary designation by a decedent which transfers money held by any of the following:

(I) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(II) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of

section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(III) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(IV) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(V) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(3) Property transferred pursuant to a beneficiary designation by a decedent which transfers money, benefits or privileges that accrue in any manner out of life insurance.

(4) Proceeds of any wages of the decedent which were exempt from execution during the decedent's lifetime pursuant to paragraph (g) of subsection 1 of NRS 21.090.

(5) A trust, a beneficial interest of the decedent under a trust or amount payable from a trust if the trust was created by someone other than the decedent, except to enforce a valid assignment of the decedent's beneficial interest under a trust that is not a spendthrift trust.

(6) An irrevocable trust or amounts payable from a trust if the trust was properly created as a valid spendthrift trust under chapter 166 of NRS, except with respect to property transferred to the trust by the decedent to the extent permitted under subsections 1, 2 and 3 ~~(2, 3 and 4)~~ of NRS 166.170.

(b) A purchaser for value of property or a lender who acquires a security interest in the property from a beneficiary of a nonprobate transfer after the death of the owner, in good faith:

(1) Takes the property free of any claims or of liability to the owner's estate, creditors of the owner's estate, persons claiming rights as beneficiaries under the nonprobate transfer or heirs of the owner's estate, in absence of actual knowledge that the transfer was improper; and

(2) Has no duty to verify sworn information relating to the nonprobate transfer. The protection provided by this subparagraph applies to information that relates to the ownership interest of the beneficiary in the property and the beneficiary's right to sell, encumber and transfer good title to a purchaser or lender and does not relieve a purchaser or lender from the notice imparted by instruments of record respecting the property.

13. Nothing in this section exempts any real or personal property from any statute of this State that authorizes the recovery of money owed to the Department of Health and Human Services as a result of the payment of benefits from Medicaid.

14. As used in this section, “devise” has the meaning ascribed to it in NRS 132.095.

Sec. 7. NRS 115.050 is hereby amended to read as follows:

115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated that the amount of equity held by the claimant in the property exceeds, to the best of the creditor’s information and belief, the sum of \$550,000, the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property and, if the amount of equity exceeds the sum of \$550,000, determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.

2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, the judge shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, the judge shall order the entire property to be sold, and out of the proceeds the sum of \$550,000 to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under \$550,000 may be received by the officer making the sale.

3. When the execution is against a spouse, the judge may direct the \$550,000 to be deposited in court, to be paid out only upon the joint receipt of both spouses, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.

4. *If the sum of \$550,000 is paid to the defendant in execution pursuant to subsection 2 or to a spouse pursuant to subsection 3, such sum of \$550,000 possesses all the protection against legal process and voluntary disposition by the defendant or spouse as did the original homestead.*

Sec. 8. NRS 123.125 is hereby amended to read as follows:

123.125 1. ~~▲ [Except as otherwise provided in subsection 3 or in a]~~ trust instrument ~~may provide that [for other instrument that is in writing and signed by both spouses,]~~ community property or separate property transferred into ~~[a revocable or]~~ an irrevocable trust of which both spouses are ~~current~~ ~~permissible]~~ **distribution** beneficiaries, **as defined in NRS 163.415**, remains community property or separate property, as applicable, during the marriage. Any community property or separate property, including, without limitation, any income, appreciation and proceeds thereof, that is distributed or withdrawn from a trust instrument containing such a provision remains community property or separate property, as applicable.

2. ~~[Subject to the provisions of this subsection, a spouse may transfer his or her interest in community property into a separate trust by deed, conveyance, assignment or other instrument that is in writing and signed by both spouses. Until the death of the other spouse, a spouse or a trustee of a~~

~~trust containing the interest in community property of the spouse shall not encumber, pledge, transfer or otherwise distribute the interest in community property of the spouse without the written consent of the other spouse.~~

~~3.1~~ *A spouse or other party in a case must establish by clear and convincing evidence the transmutation of community property or separate property that is transferred into a trust from, as applicable:*

- (a) Community property to separate property; or*
- (b) Separate property to community property.*

~~4.1~~ 3. The provisions of this section do not affect the character of community property or separate property that is transferred into a trust in any manner other than as described in this section.

Sec. 9. ~~NRS 125.150 is hereby amended to read as follows:~~

~~125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:~~

~~1. In granting a divorce, the court:~~

~~(a) May award such alimony to either spouse, in a specified principal sum or as specified periodic payments, as appears just and equitable; and~~

~~(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, including, without limitation, any community property transferred into a *revocable* or an irrevocable trust pursuant to NRS 123.125 over which the court acquires jurisdiction pursuant to NRS 164.010, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.~~

~~2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:~~

~~(a) The intention of the parties in placing the property in joint tenancy;~~

~~(b) The length of the marriage; and~~

~~(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.~~

~~As used in this subsection, “contribution” includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.~~

~~3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:~~

~~(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition;~~

~~or~~

~~(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.~~

~~If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.~~

~~4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney’s fee to either party to an action for divorce.~~

~~5. In granting a divorce, the court may also set apart such portion of the separate property of either spouse for the other spouse’s support or the separate property of either spouse for the support of their children as is deemed just and equitable.~~

~~6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.~~

~~7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.~~

~~8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.~~

~~9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:~~

- ~~(a) The financial condition of each spouse;~~
- ~~(b) The nature and value of the respective property of each spouse;~~
- ~~(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;~~
- ~~(d) The duration of the marriage;~~
- ~~(e) The income, earning capacity, age and health of each spouse;~~
- ~~(f) The standard of living during the marriage;~~
- ~~(g) The career before the marriage of the spouse who would receive the alimony;~~
- ~~(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;~~
- ~~(i) The contribution of either spouse as homemaker;~~
- ~~(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and~~
- ~~(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.~~

~~10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:~~

- ~~(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and~~
- ~~(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.~~

~~11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:~~

~~— (a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.~~

~~— (b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.~~

~~— (c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:~~

~~— (1) Testing of the recipient's skills relating to a job, career or profession;~~

~~— (2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;~~

~~— (3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;~~

~~— (4) Subsidization of an employer's costs incurred in training the recipient;~~

~~— (5) Assisting the recipient to search for a job; or~~

~~— (6) Payment of the costs of tuition, books and fees for:~~

~~— (I) The equivalent of a high school diploma;~~

~~— (II) College courses which are directly applicable to the recipient's goals for his or her career; or~~

~~— (III) Courses of training in skills desirable for employment.~~

~~— 12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in NRS 125B.070. **(Deleted by amendment.)**~~

Sec. 10. NRS 134.160 is hereby amended to read as follows:

134.160 Kindred of the half blood inherit equally with those of the whole blood in the same degree . ~~}; unless the inheritance comes to the decedent by descent or devise from an ancestor, in which case all those who are not of the blood of the ancestor are excluded from the inheritance.~~

Sec. 11. NRS 136.010 is hereby amended to read as follows:

136.010 1. ~~{Wills may be proved and letters granted in the county where the decedent was a resident at the time of death, whether death occurred in that county or elsewhere, and the district court of that county has exclusive jurisdiction of the settlement of such estates, whether the estate is in one or more counties.~~

~~— 2.} The estate of a ~~{nonresident}~~ decedent may be settled by the district court of any county in *this State*:~~

~~(a) In which any part of the estate is located ~~{The}~~ ; or~~

~~(b) Where the decedent was a resident at the time of death.~~

~~2. If the decedent was a resident of this State at the time of death, the district court of any county in this State, whether death occurred in that county or elsewhere, may assume jurisdiction of the settlement of the estate~~

of the decedent only after taking into consideration the convenience of the forum to:

(a) The person named as personal representative or trustee in the will; and

(b) The heirs, devisees, interested persons or beneficiaries to the decedent or estate and their legal counsel.

3. ~~After a properly noticed hearing is held, the district court to which application is first made~~ *that first assumes jurisdiction of the settlement of an estate* has exclusive jurisdiction of the settlement of ~~estates of nonresidents~~ *that estate, including, without limitation:*

(a) The proving of wills;

(b) The granting of letters; and

(c) The administration of the estate.

Sec. 12. NRS 136.090 is hereby amended to read as follows:

136.090 1. A petition for the probate of a will and issuance of letters must state:

(a) The jurisdictional facts;

(b) Whether the person named as personal representative consents to act or renounces the right to letters;

(c) The names and residences of the heirs, next of kin and devisees of the decedent, the age of any heir, next of kin or devisee who is a minor, and the relationship of the heirs and next of kin to the decedent, so far as known to the petitioner;

(d) The character and estimated value of the property of the estate;

(e) The name of the person for whom letters are requested, and whether the person has been convicted of a felony; ~~and~~

(f) The name of any devisee who is deceased ~~†~~; *and*

(g) How the district court in which the petition is being filed a convenient forum to:

(1) The person named as personal representative or trustee in the will; and

(2) The heirs, devisees, interested persons or beneficiaries to the decedent or estate and their legal counsel.

2. No defect of form or in the statement of jurisdictional facts actually existing voids the probate of a will.

Sec. 13. NRS 136.240 is hereby amended to read as follows:

136.240 1. The petition for the probate of a lost or destroyed will must include a copy of the will, or if no copy is available state, or be accompanied by a written statement of, the testamentary words, or the substance thereof.

2. If offered for probate, a lost or destroyed will must be proved in the same manner as other wills are proved under this chapter.

3. In addition, no will may be proved as a lost or destroyed will unless its provisions are clearly and distinctly proved by two or more credible witnesses and it is:

(a) Proved to have been in legal existence at the death of the person whose will it is claimed to be and has not otherwise been revoked or destroyed without the knowledge, consent or ratification of such person; or

(b) Shown to have been fraudulently destroyed in the lifetime of that person.

4. The testimony of each witness must be reduced to writing, signed by the witness and filed, and is admissible in evidence in any contest of the will if the witness has died or permanently moved from the State.

5. Notwithstanding any provision of this section to the contrary:

(a) The production of a person's lost or destroyed will, whose primary beneficiary is a nontestamentary trust established by the person and in existence at his or her death, creates a rebuttable presumption that the will had not been revoked.

(b) ~~¶¶~~ *The production of a copy of a person's lost or destroyed will, whose provisions are clearly and distinctly proved by two or more credible witnesses, creates a rebuttable presumption that the will had not been revoked.*

(c) *A person may overcome the presumption set forth in paragraph (a) or (b) only by proving by a preponderance of the evidence that the person whose will it is claimed to be destroyed the will with the intent to revoke the will before his or her death. In the absence of such evidence:*

(1) *The lost or destroyed will must be admitted to probate; and*

(2) *The court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence.*

(d) *For a lost or destroyed will to which the presumption set forth in paragraph (a) or (b) does not apply, if the proponent of a lost or destroyed will makes a prima facie showing that it was more likely than not left unrevoked by the person whose will it is claimed to be before his or her death, then the will must be admitted to probate in absence of an objection. If such prima facie showing has been made, the court shall accept a copy of such a will as sufficient proof of the terms thereof without requiring further evidence in the absence of any objection.*

6. If the will is established, its provisions must be set forth specifically in the order admitting it to probate, or a copy of the will must be attached to the order.

Sec. 14. NRS 137.005 is hereby amended to read as follows:

137.005 1. Except as otherwise provided in ~~{subsections 3 and}~~ *subsection 4, a no-contest clause in a will must be enforced, to the greatest extent possible, by the court according to the terms expressly stated in the no-contest clause without regard to the presence or absence of probable cause for, or the good faith or bad faith of the devisee in, taking the action prohibited by the no-contest clause. A no-contest clause in a will must be enforced by the court because public policy favors enforcing the intent of the testator. ~~However, because public policy does not favor forfeitures, a no-~~*

~~contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the will.]~~

2. ~~[A no-contest clause must be construed to carry out the testator's intent to the extent such intent is clear and unambiguous.]~~ No extrinsic evidence is admissible to establish the testator's intent concerning the no-contest clause ~~}]~~ **to the extent such intent is clear and unambiguous.** The provisions of this subsection do not prohibit extrinsic evidence from being admitted for any other purpose authorized by law.

3. Except as otherwise provided in ~~subsections 3 and~~ **subsection 4**, a devisee's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the testator in the will, including, without limitation, any testamentary trust established in the will. Such conduct may include, without limitation:

- (a) Conduct other than formal court action; and
- (b) Conduct which is unrelated to the will itself, including, without limitation:
 - (1) The commencement of civil litigation against the testator's probate estate or family members;
 - (2) Interference with the administration of a trust or a business entity;
 - (3) Efforts to frustrate the intent of the testator's power of attorney; and
 - (4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the testator.

~~3.]~~ **4.** Notwithstanding any provision to the contrary in the will, **a no-contest clause in a will must not be enforced by a court and** a devisee's share must not be reduced or eliminated **under a no-contest clause in a will** because ~~: [of any action taken by the devisee seeking only to:]~~

- (a) **A devisee acts to:**
 - (1) Enforce the **clear and unambiguous** terms of the will or any document referenced in or affected by the will;
 - ~~[(b)]~~ (2) Enforce the ~~[devisee's]~~ legal rights **of the devisee that provide the devisee standing** in the probate proceeding;
 - ~~[(c)]~~ (3) Obtain court instruction with respect to the proper administration of the estate or the construction or legal effect of the will or the provisions thereof; or
 - ~~[(d)]~~ (4) Enforce the fiduciary duties of the personal representative.

~~[4.— Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated under a no-contest clause because the devisee institutes legal action seeking to invalidate a will if the legal action is instituted and maintained in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to]~~

~~(b) The court determines by clear and convincing evidence that the conduct of the devisee was:~~

- ~~(1) A product of coercion or undue influence; or~~
- ~~(2) Caused by the lack of sufficient mental capacity to knowingly engage in the conduct.~~

(c) A devisee or any other interested person enters into an agreement to settle a dispute or resolve any other matter relating to the will.

(d) A devisee institutes legal action seeking to invalidate a will if the legal action is instituted and maintained in good faith and based on probable cause. For the purposes of this paragraph, legal action is based on probable cause where, based upon the facts and circumstances available to the devisee who commences such legal action, a reasonable person, properly informed and advised, would conclude that the will is invalid.

5. As to any testamentary trust, the testator is the settlor. Unless the will expressly provides otherwise, a no-contest clause in a will applies to a testamentary trust created under that will and the provisions of NRS 163.00195 apply to that trust.

6. *Where a devisee takes action, asserts a cause of action or asserts a request for relief and such action or assertion violates a no-contest clause in a will, this section must not prevent the enforcement of the no-contest clause unless the action, cause of action or request for relief claims one of the exceptions to enforcement set forth in subsection 4.*

7. *Except as otherwise provided in subsection 4, subject to the discretion of the personal representative, as applicable:*

(a) A personal representative may suspend distributions to a devisee to the extent that, under a no-contest provision, the conduct of the devisee may cause the reduction or elimination of the interest of the devisee in the trust.

(b) Until a court determines whether the interest of the devisee in the will has been reduced or eliminated, a personal representative may:

(1) Resume distributions that were suspended pursuant to paragraph (a) at any time; or

(2) Continue to suspend those distributions.

(c) To the extent that a devisee has received distributions prior to engaging in conduct that potentially would have caused the reduction or elimination of the interest of the devisee in the will under a no-contest clause, a personal representative may seek reimbursement from the devisee or may offset those distributions.

8. *A no-contest clause in a will applies to a codicil even if the no-contest clause was not expressly incorporated in the codicil.*

9. As used in this section, “no-contest clause” means one or more provisions in a will that express a directive to reduce or eliminate the share allocated to a devisee or to reduce or eliminate the distributions to be made to a devisee if the devisee takes action to frustrate or defeat the testator’s intent as expressed in the will. *The term does not include:*

(a) Provisions in a will that shift or apportion attorney’s fees and costs incurred by the estate against the share allocated to a devisee who has asserted an unsuccessful claim, defense or objection;

(b) Provisions in a will that permit a personal representative to delay distributions to a devisee;

(c) Provisions in a will that require the arbitration of disputes involving the will; or

(d) A forum selection clause in the will.

Sec. 15. NRS 143.165 is hereby amended to read as follows:

143.165 1. On petition or ex parte application of an interested person, the court, ~~by temporary order,~~ with or without bond, may ~~restrain~~ **enter an ex parte order restraining** a personal representative from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office ~~to be effective until further order of the court.~~ **to be effective until further order of the court.** Notwithstanding any other provision of law, if it appears to the court that the personal representative otherwise may take ~~some~~ action that would jeopardize unreasonably the interest of the petitioner, ~~or~~ of some other interested person or the estate, the court may enter the ~~temporary~~ **ex parte** order. A person with whom the personal representative may transact business may be made a party to the ~~temporary~~ **ex parte** order.

2. ~~The matter~~ **Any ex parte orders entered pursuant to subsection 1** must be set for hearing within 10 days after entry of the ~~temporary~~ **ex parte** order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interest of the estate.

3. Notice ~~as the court directs~~ **of entry of the ex parte order entered pursuant to subsection 1** must be given by the petitioner **or applicant** to the personal representative and the attorney of record of the personal representative, if any, ~~and~~ to any other party named as a party in the ~~temporary~~ **ex parte** order ~~to be effective until further order of the court.~~ **and as otherwise directed by the court.**

4. **The court may impose a fine on an interested person who obtains an ex parte order pursuant to this section without probable cause.**

5. **The court may, at any time, terminate an ex parte order entered pursuant to subsection 1 on its own motion or upon petition of the personal representative if it no longer appears to the court that the personal representative otherwise may take action that would jeopardize unreasonably the interest of the petitioner, of some other interested person or the estate.**

Sec. 16. NRS 146.020 is hereby amended to read as follows:

146.020 ~~Upon the filing of the inventory or at any time thereafter during the administration of the estate, the~~

1. **The** court, on its own motion or upon petition by an interested person, may, if deemed advisable considering the needs and resources of the surviving spouse, minor child or minor children, set apart for the use of the surviving spouse, minor child or minor children of the decedent all of the personal property which is exempt by law from execution, and shall, in accordance with NRS 146.050, set apart the homestead, as designated by the general homestead law then in force, whether the homestead has theretofore previously been selected as required by law or not, and the property thus set apart is not subject to administration.

2. *If, after setting apart the property pursuant to subsection 1, the remaining assets of the estate do not exceed \$100,000 and may be set aside without administration pursuant to NRS 146.070, the court shall set aside the remaining assets of the estate without administration pursuant to the procedure set forth in NRS 146.070. The court may consider at the same time a petition made pursuant to subsection 1 and a petition to set aside the remaining assets of the estate without administration pursuant to NRS 146.070.*

3. *If, after setting apart the property pursuant to subsection 1, the remaining assets of the estate exceed \$100,000 and may not be set aside without administration pursuant to NRS 146.070, the court shall administer the remaining assets of the estate pursuant to this title as if the remaining assets of the estate are the only assets of the estate. If the petition to set apart property pursuant to subsection 1 is made in the initial petition, the court shall consider only the value of the remaining assets of the estate not set apart pursuant to subsection 1 for the purpose of ordering summary administration pursuant to chapter 145 of NRS.*

Sec. 17. NRS 162B.105 is hereby amended to read as follows:

162B.105 Unless the terms of the instrument creating a power of appointment manifest a contrary intent:

1. The creation, revocation or amendment of the power is ~~governed by the~~ valid if permitted under any of:

- (a) *The governing law adopted by the instrument creating the power; or*
- (b) *The law of the donor's domicile at the relevant time; and*

2. The exercise, release or disclaimer of the power, or the revocation or amendment of the exercise, release or disclaimer of the power, is ~~governed by the~~ valid if permitted under any of:

- (a) *The governing law adopted by the instrument creating the power;*
- (b) *The governing law adopted by the instrument* ~~is~~

~~(1) Exercising,~~ exercising, releasing or disclaiming the power ~~is or~~
~~(2) Revoking,~~ or revoking or amending the exercise, release or disclaimer of the power; or

- (c) *The law of the powerholder's domicile at the relevant time.*

Sec. 18. NRS 162B.200 is hereby amended to read as follows:

162B.200 1. A power of appointment is created only if:

- (a) The instrument creating the power ~~is~~

~~(1) Is~~ is valid under applicable law; and

~~{(2) Except as otherwise provided in subsection 2, transfers the appointive property; and}~~

(b) The terms of the instrument creating the power manifest the donor's intent to create in a powerholder a power of appointment over the appointive property exercisable in favor of a permissible appointee.

2. ~~{Subparagraph (2) of paragraph (a) of subsection 1 does not apply to the creation of a power of appointment by the exercise of a power of appointment.~~

~~3.} A power of appointment may not be created in a deceased individual.~~

~~4-1~~ 3. Subject to an applicable rule against perpetuities, a power of appointment may be created in an unborn or unascertained powerholder.

Sec. 19. NRS 162B.320 is hereby amended to read as follows:

162B.320 1. A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder's own property.

2. A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder's estate may appoint only to those creditors.

3. Unless the terms of the instrument creating a power of appointment manifest a contrary intent, the powerholder of a nongeneral power may:

(a) Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;

(b) Create a general power *or a nongeneral power* in a permissible appointee; or

(c) Create a nongeneral power in any person to appoint to one or more of the permissible appointees of the original nongeneral power.

Sec. 20. NRS 162B.365 is hereby amended to read as follows:

162B.365 A powerholder may revoke or amend an exercise of a power of appointment ~~{only to the extent that:}~~ **unless:**

1. The ~~{powerholder reserves a power of revocation or amendment in terms of the instrument exercising the power of appointment {and, if the power is nongeneral, the terms of the instrument creating the power of appointment do not prohibit the reservation; or}~~ **expressly state that the exercise is irrevocable or unamendable;**

2. The terms of the instrument creating the power of appointment ~~{provide}~~ **expressly state** that the exercise is ~~{revocable or amendable.}~~ **irrevocable or unamendable; or**

3. **The property is subject to a present exercisable power of appointment that ~~{a powerholder may exercise which}~~ has been delivered to the permissible appointee in whose favor the power was exercised, regardless of whether such delivery was made outright, in trust or as custodial property pursuant to chapter 167 of NRS.**

Sec. 21. NRS 162B.510 is hereby amended to read as follows:

162B.510 1. ~~{Except as otherwise provided in subsection 2, appointive}~~ **Appointive** property subject to a general power of appointment created by a person other than the powerholder is **not** subject to a claim of ~~{a}~~ **any** creditor ~~{of:~~

~~—(a) The powerholder, to the extent the powerholder's property is insufficient, if the power is presently exercisable; and~~

~~—(b) The powerholder's estate, to the extent the estate is insufficient, subject to the right of a decedent to direct the source from which liabilities are paid.},~~ **unless the property power of appointment was ~~{exercisable}~~ actually**

exercised in favor of the decedent or the decedent's estate pursuant to subparagraph (1) of paragraph (a) of subsection 12 of NRS 111.779.

2. Subject to subsection 3 of NRS 162B.530, a power of appointment created by a person other than the powerholder which is subject to an ascertainable standard relating to an individual's health, education, support or maintenance within the meaning of 26 U.S.C. § 2041(b)(1)(A) or 26 U.S.C. § 2514(c)(1), as those provisions existed on October 1, 2017, is treated for purposes of NRS 162B.500 to 162B.530, inclusive, as a nongeneral power.

Sec. 22. Chapter 163 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On petition or ex parte application of a beneficiary or trustee, the court, with or without bond, may enter an ex parte order restraining a trustee from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office to be effective until further order of the court. Notwithstanding any other provision of law, if it appears to the court that the trustee otherwise may take action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust, the court may enter the ex parte order. A person with whom the personal representative may transact business may be made a party to the ex parte order.

2. An ex parte order entered pursuant to subsection 1 must be set for hearing within 10 days after entry of the ex parte order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interest of the trust.

3. Notice of entry of the ex parte order entered pursuant to subsection 1 must be given by the petitioner or applicant to the trustee and the attorney of record of the trustee, if any, to any other party named as a party in the ex parte order and as otherwise directed by the court.

4. The court may impose a fine on a beneficiary or trustee who obtains an ex parte order pursuant to this section without probable cause.

5. The court may, at any time, terminate an ex parte order entered pursuant to subsection 1 on its own motion or upon petition of the trustee if it no longer appears to the court that the trustee otherwise may take action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust.

Sec. 23. NRS 163.00195 is hereby amended to read as follows:

163.00195 1. Except as otherwise provided in ~~{subsections 3 and}~~ *subsection 4*, a no-contest clause *in a trust must be enforced, to the greatest extent possible, by the court according to the terms expressly stated in the no-contest clause without regard to the presence or absence of probable cause for, or the good faith or bad faith of the beneficiary in, taking the action prohibited by the no-contest clause. A no-contest clause* in a trust must be enforced by the court because public policy favors enforcing the intent of the settlor. ~~{However, because public policy does not favor forfeitures, a no-~~

~~contest clause must be strictly construed by the court and must not be extended beyond the plain meaning of the express provisions of the trust.~~

2. ~~[A no-contest clause must be construed to carry out the settlor's intent to the extent such intent is clear and unambiguous.]~~ No extrinsic evidence is admissible to establish the settlor's intent concerning the no-contest clause ~~}]~~ **to the extent such intent is clear and unambiguous.** The provisions of this subsection do not prohibit extrinsic evidence from being admitted for any other purpose authorized by law.

3. Except as otherwise provided in ~~subsections 3 and~~ **subsection 4**, a beneficiary's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the settlor in the trust. Such conduct may include, without limitation:

- (a) Conduct other than formal court action; and
- (b) Conduct which is unrelated to the trust itself, including, without limitation:
 - (1) The commencement of civil litigation against the settlor's probate estate or family members;
 - (2) Interference with the administration of another trust or a business entity;
 - (3) Efforts to frustrate the intent of the settlor's power of attorney; and
 - (4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the settlor.

~~}]~~ **4.** Notwithstanding any provision to the contrary in the trust, **a no-contest clause in a trust must not be enforced by a court and** a beneficiary's share must not be reduced or eliminated **under a no-contest clause in a trust** because : ~~[of any action taken by the beneficiary seeking only to:]~~

- (a) **A beneficiary acts to:**
 - (I) Enforce the **clear and unambiguous** terms of the trust, **a transfer of property into the trust**, any document referenced in or affected by the trust, or any other trust-related instrument;
 - ~~[(b)]~~ (2) Enforce the ~~[beneficiary's]~~ legal rights **of the beneficiary that provide the beneficiary standing as** related to ~~[the]~~ :
 - (I) ~~[The trust]-any]~~ ;
 - (II) **A transfer of property into the trust;**
 - (III) **Any** document referenced in or affected by the trust ; ~~}]~~ or ~~[any]~~
 - (IV) **Any other** trust-related instrument;
 - ~~[(c)]~~ (3) Obtain court instruction with respect to the proper administration of the trust or the construction or legal effect of the trust, ~~[the provisions thereof or]~~ **a transfer of property into the trust**, any document referenced in or affected by the trust, or any other trust-related instrument; or
 - ~~[(d)]~~ (4) Enforce the fiduciary duties of the trustee.

~~[4. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated under a no-contest clause in a trust because the beneficiary institutes legal action seeking to invalidate a trust, any document referenced in or affected by the trust, or any~~

~~other trust related instrument if the legal action is instituted and maintained in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that the trust, any document referenced in or affected by the trust, or other trust related instrument is invalid.~~

~~5. Unless the trust expressly provides otherwise, a no-contest clause must not be applied to a settlor who is also a beneficiary of the trust.~~

~~6. (b) The court determines by clear and convincing evidence that the conduct of the beneficiary was:~~

~~(1) A product of coercion or undue influence; or~~

~~(2) Caused by the lack of sufficient mental capacity to knowingly engage in the conduct.~~

~~(c) A beneficiary acts as a trustee or a protector of the trust to exercise a power set forth in the trust, including, without limitation:~~

~~(1) Reforming, modifying or decanting the trust;~~

~~(2) Removing or replacing a trustee;~~

~~(3) Making or withholding distributions from the trust; or~~

~~(4) Exercising any other discretionary power.~~

~~(d) A beneficiary or any other interested person enters into an agreement to settle a dispute or resolve any other matter relating to the trust.~~

~~(e) A beneficiary institutes legal action seeking to invalidate a trust, the transfer of property into a trust, any document referenced in or affected by the trust, or any other trust-related instrument if the legal action is instituted and maintained in good faith and based on probable cause. For the purposes of this paragraph, legal action is based on probable cause where, based upon the facts and circumstances available to the beneficiary who commences such legal action, a reasonable person, properly informed and advised, would conclude that the trust, the transfer of property into the trust, any document referenced in or affected by the trust or any other trust-related instrument is invalid.~~

~~(f) Unless the trust expressly provides otherwise, a settlor is also a beneficiary of the trust.~~

~~5. Where a beneficiary takes action, asserts a cause of action or asserts a request for relief and such action or assertion violates a no-contest clause in a trust, this section must not prevent the enforcement of the no-contest clause unless the action, cause of action or request for relief claims one of the exceptions to enforcement set forth in subsection 4.~~

~~6. Except as otherwise provided in subsection 4, subject to the discretion of the trustee:~~

~~(a) A trustee may suspend distributions to a beneficiary to the extent that, under a no-contest provision, the conduct of the beneficiary may cause the reduction or elimination of the interest of the beneficiary in the trust.~~

~~(b) Until a court determines whether the interest of the beneficiary in the trust has been reduced or eliminated, a trustee may:~~

(1) Resume distributions that were suspended pursuant to paragraph (a) at any time; or

(2) Continue to suspend those distributions.

(c) To the extent that a beneficiary has received distributions before engaging in conduct that potentially would have caused the reduction or elimination of the interest of the beneficiary in the trust under a no-contest clause, a trustee may seek reimbursement from the beneficiary or may offset those distributions.

7. A no-contest clause applies to an amendment to the trust or trust-related document even if the no-contest clause was not expressly incorporated in such an amendment.

8. As used in this section:

(a) “No-contest clause” means one or more provisions in a trust that express a directive to reduce or eliminate the share allocated to a beneficiary or to reduce or eliminate the distributions to be made to a beneficiary if the beneficiary takes action to frustrate or defeat the settlor’s intent as expressed in the trust or in a trust-related instrument. ***The term does not include:***

(1) Provisions in a trust that shift or apportion attorney’s fees and costs incurred by the trust against the share allocated to a beneficiary who has asserted an unsuccessful claim, defense or objection;

(2) Provisions in a trust that permit a trustee to delay distributions to a beneficiary;

(3) Provisions in a trust that require the arbitration of disputes involving the trust;

(4) A forum selection clause in the trust; or

(5) Provisions in a trust that make a devise conditional or specify conditions or actions pursuant to NRS 163.558.

(b) “Trust” means the original trust instrument and each amendment made pursuant to the terms of the original trust instrument.

(c) “Trust-related instrument” means any document purporting to transfer property to or from the trust or any document made pursuant to the terms of the trust purporting to direct the distribution of trust assets or to affect the management of trust assets, including, without limitation, documents that attempt to exercise a power of appointment.

Sec. 24. NRS 163.004 is hereby amended to read as follows:

163.004 1. Except as otherwise provided by law, the terms of a trust instrument may expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation:

(a) The right to be informed of the beneficiary’s interest for a period of time;

(b) The grounds for the removal of a fiduciary;

(c) The circumstances, if any, in which the fiduciary must diversify investments;

(d) A fiduciary’s powers, duties, standards of care, rights of indemnification and liability to persons whose interests arise from the trust instrument; and

(e) The provisions of general applicability to trusts and trust administration.

2. A trust is irrevocable ~~by the settlor or a third party~~ except to the extent that a right to amend the trust or a right to revoke the trust is expressly reserved by the settlor ~~or is granted to one or more other persons under the terms of the trust instrument. Notwithstanding the provisions of this subsection, such a settlor or other person may not use~~ the following powers ~~to revoke a trust~~ **do not make a trust revocable:**

- (a) *Power of appointment;*
- (b) *Power to add or remove beneficiaries;*
- (c) *Power to appoint, remove or replace the trustee; or*
- (d) *Power to make administrative amendments.*

3. Nothing in this section shall be construed to:

- (a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or gross negligence; or
- (b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary's willful misconduct or gross negligence.

4. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

Sec. 25. NRS 163.020 is hereby amended to read as follows:

163.020 As used in NRS 163.010 to 163.200, inclusive, **and section 22 of this act**, unless the context or subject matter otherwise requires:

1. "Affiliate" means any person directly or indirectly controlling or controlled by another person, or any person under direct or indirect common control with another person. It includes any person with whom a trustee has an express or implied agreement regarding the purchase of trust investments by each from the other, directly or indirectly, except a broker or stock exchange.

2. "Relative" means a spouse, ancestor, descendant, brother or sister.

3. "Trust" means an express trust only.

4. "Trustee" means the person holding property in trust and includes trustees, a corporate as well as a natural person and a successor or substitute trustee.

Sec. 26. NRS 163.115 is hereby amended to read as follows:

163.115 1. *A settlor, cotrustee or beneficiary of the trust may request the court to remove a trustee, or a trustee may be removed by the court on its own motion pursuant to subsection 2.*

2. *The court may remove a trustee if:*

- (a) *The trustee commits or threatens to commit a breach of trust;*
- (b) *Lack of cooperation between cotrustees substantially impairs the administration of the trust; or*
- (c) *Because of unfitness, unwillingness or persistent failure of the trustee to administer the trust effectively, the court determines that removal of the trustee best serves the interests of the settlor or beneficiaries.*

3. If a trustee commits or threatens to commit a breach of trust, a beneficiary or cotrustee of the trust may maintain a proceeding for any of the following purposes that is appropriate:

- (a) To compel the trustee to perform his or her duties.
- (b) To enjoin the trustee from committing the breach of trust.
- (c) To compel the trustee to redress the breach of trust by payment of money or otherwise.
- (d) To appoint a receiver or temporary trustee to take possession of the trust property and administer the trust.
- (e) To remove the trustee.
- (f) To set aside acts of the trustee.
- (g) To reduce or deny compensation of the trustee.
- (h) To impose an equitable lien or a constructive trust on trust property.
- (i) To trace trust property that has been wrongfully disposed of and recover the property or its proceeds.

~~2.— On petition or ex parte application of a beneficiary or trustee, the court by temporary order, with or without bond, may restrain a trustee from performing specified acts of administration, disbursement or distribution, or exercising any powers or discharging any duties of the office, or enter any other order to secure proper performance of the duties of the office. Notwithstanding any other provision of law governing temporary injunctions, if it appears to the court that the trustee otherwise may take some action that would jeopardize unreasonably the interest of the petitioner, another beneficiary or the trust, the court may enter the temporary order. A person with whom the trustee may transact business may be made a party to the temporary order.~~

~~3.— Any temporary order entered pursuant to subsection 2 must be set for hearing within 10 days after entry of the temporary order, unless the parties otherwise agree, or on a date the court otherwise determines is in the best interests of the trust. Notice of entry of the temporary order must be given by the petitioner to the trustee and the attorney of record of the trustee, if any, to any other party named as a party in the temporary order and as otherwise directed by the court.~~

4. *If the court determines that a proceeding instituted pursuant to subsection 1 by a settlor, cotrustee or beneficiary of the trust against a trustee was not instituted in good faith and based on probable cause, the court may order that the settlor, cotrustee or beneficiary who is maintaining the proceeding against a trustee pay all or part of the costs of the proceeding, including, without limitation, reasonable attorney's fees. The provisions of this subsection do not preclude any other remedy available.*

5. The ~~provision~~ *provisions* of ~~remedies in this section does~~ *subsections 2 and 3 do* not preclude resort to any other appropriate *ground or* remedy provided by statute or common law.

~~5-1~~ 6. A proceeding under this section must be commenced by filing or bringing in conjunction with the filing of a petition under NRS 164.010 and 164.015.

Sec. 27. NRS 163.160 is hereby amended to read as follows:

163.160 1. The settlor of a trust affected by NRS 163.010 to 163.200, inclusive, **and section 22 of this act** may, by provision in the instrument creating the trust if the trust was created by a writing, or by oral statement to the trustee at the time of the creation of the trust if the trust was created orally, or by an amendment of the trust if the settlor reserved the power to amend the trust, relieve his or her trustee from any or all of the duties, restrictions and liabilities which would otherwise be imposed upon the trustee by NRS 163.010 to 163.200, inclusive, **and section 22 of this act**, or alter or deny to his or her trustee any or all of the privileges and powers conferred upon the trustee by NRS 163.010 to 163.200, inclusive, **and section 22 of this act**, or add duties, restrictions, liabilities, privileges or powers to those imposed or granted by NRS 163.010 to 163.200, inclusive, **and section 22 of this act**, but no act of the settlor relieves a trustee from the duties, restrictions and liabilities imposed upon the trustee by NRS 163.030, 163.040 and 163.050.

2. Except as otherwise provided in subsections 1 and 3, a trustee may be relieved of liability for breach of trust by provisions of the trust instrument.

3. A provision of the trust instrument is not effective to relieve a trustee of liability:

(a) For breach of trust committed intentionally, with gross negligence, in bad faith, or with reckless indifference to the interest of a beneficiary; or

(b) For any profit that the trustee derives from a breach of trust.

Sec. 28. NRS 163.170 is hereby amended to read as follows:

163.170 A beneficiary of a trust affected by NRS 163.010 to 163.200, inclusive, **and section 22 of this act** may, if of full legal capacity and acting upon full information, by written instrument delivered to the trustee, relieve the trustee as to that beneficiary from any or all of the duties, restrictions and liabilities which would otherwise be imposed on the trustee by NRS 163.010 to 163.200, inclusive, **and section 22 of this act**, except as to the duties, restrictions and liabilities imposed by NRS 163.030, 163.040 and 163.050. The beneficiary may release the trustee from liability to him or her for past violations of any of the provisions of NRS 163.010 to 163.200, inclusive ~~1-1~~, **and section 22 of this act**.

Sec. 29. NRS 163.180 is hereby amended to read as follows:

163.180 A court may, for cause shown and upon notice to the beneficiaries, relieve a trustee from any or all of the duties and restrictions which would otherwise be placed upon the trustee by NRS 163.010 to 163.200, inclusive, **and section 22 of this act**, or wholly or partly excuse a trustee who has acted honestly and reasonably from liability for violation of the provisions of NRS 163.010 to 163.200, inclusive ~~1-1~~, **and section 22 of this act**.

Sec. 30. NRS 163.190 is hereby amended to read as follows:

163.190 If a trustee violates any of the provisions of NRS 163.010 to 163.200, inclusive, **and section 22 of this act**, the trustee may be removed and denied compensation in whole or in part, and any beneficiary, cotrustee or successor trustee may treat the violation as a breach of trust.

Sec. 31. NRS 163.200 is hereby amended to read as follows:

163.200 NRS 163.010 to 163.200, inclusive, **and section 22 of this act** must be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them.

Sec. 32. NRS 163.556 is hereby amended to read as follows:

163.556 1. Except as otherwise provided in this section, unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust may exercise such discretion or authority by appointing the property subject to such discretion or authority in favor of a second trust as provided in this section.

2. The second trust to which a trustee appoints property of the ~~first~~ **original** trust may only have as beneficiaries one or more of the beneficiaries of the original trust:

(a) To or for whom a distribution of income or principal may be made from the original trust;

(b) To or for whom a distribution of income or principal may be made in the future from the original trust at a time or upon the happening of an event specified under the ~~first~~ **original** trust; or

(c) Both paragraphs (a) and (b).

↪ For purposes of this subsection, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.

3. A trustee may not appoint property of the original trust to a second trust if:

(a) Appointing the property will reduce any income interest of any income beneficiary of the original trust if the original trust is:

(1) A trust for which a marital deduction has been taken for federal or state income, gift or estate tax purposes;

(2) A trust for which a charitable deduction has been taken for federal or state income, gift or estate tax purposes; or

(3) A grantor-retained annuity trust or unitrust under 26 C.F.R. § 25.2702-3(b) and (c).

↪ As used in this paragraph, “unitrust” has the meaning ascribed to it in NRS 164.700.

(b) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the time of the proposed appointment, unless after the exercise of such appointment, the beneficiary of the original trust’s power of withdrawal is unchanged with respect to the trust property.

(c) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.

~~(d) Property held for the benefit of one or more beneficiaries under both the original and the second trust has a lower value than the value of the property held for the benefit of the same beneficiaries under only the original trust, unless:~~

~~—(1) The benefit provided is limited to a specific amount or periodic payments of a specific amount; and~~

~~—(2) The value of the property held in either or both trusts for the benefit of one or more beneficiaries is actuarially adequate to provide the benefit.~~

~~—(e) A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. § 2503(b), by reason of the application of section 2503(c) of the Internal Revenue Code, 26 U.S.C. § 2503(c), unless the second trust provides that the beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.~~

4. A trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard; or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

5. Notwithstanding the provisions of subsection 1, a trustee who may be removed by the beneficiary or beneficiaries of the original trust and replaced with a trustee that is related to or subordinate, as described in section 672 of the Internal Revenue Code, 26 U.S.C. § 672(c), to a beneficiary, may not exercise the authority to appoint property of the original trust to a second trust to the extent that the exercise of the authority by such trustee would have the effect of increasing the distributions that can be made from the second trust to such beneficiary or group of beneficiaries that held the power to remove the

trustee of the original trust and replace such trustee with a related or subordinate person, unless the distributions that may be made from the second trust to such beneficiary or group of beneficiaries described in paragraph (a) of subsection 4 are limited by an ascertainable standard.

6. The provisions of subsections 4 and 5 do not prohibit a trustee who is not a beneficiary of the original trust or who may not be removed by the beneficiary or beneficiaries and replaced with a trustee that is related to or subordinate to a beneficiary from exercising the authority to appoint property of the original trust to a second trust pursuant to the provisions of subsection 1.

7. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice of a proposed action or a petition for a court's approval must include the trustee's opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

8. The trust instrument of the second trust may:

(a) Grant a general or limited power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the original trust.

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

9. The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

10. The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

11. The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law.

12. The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

13. The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

14. A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

15. A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

16. The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also exercise the powers granted pursuant to this section with respect to the second trust.

17. This section applies to a trust that is governed by, sitused in or administered under the laws of this State, whether the trust is initially governed by, sitused in or administered under the laws of this State pursuant to the terms of the trust instrument or whether the governing law, situs or administration of the trust is moved to this State from another state or foreign jurisdiction.

18. The power to appoint to a second trust pursuant to this section may be exercised to appoint to a second trust that is a special needs trust, pooled trust or third-party trust.

19. As used in this section:

(a) “Ascertainable standard” means a standard relating to a person’s health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

(b) “Pooled trust” means a trust described in 42 U.S.C. § 1396p(d)(4)(C) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(c) “Second trust” means an irrevocable trust that receives trust income or principal appointed by the trustee of the original trust, and may be established by any person, including, without limitation, a new trust created by the trustee, acting in that capacity, of the original trust. If the trustee of the original trust establishes the second trust, then for purposes of creating the new second trust, the requirement of NRS 163.008 that the instrument be signed by the settlor shall be deemed to be satisfied by the signature of the trustee of the ~~second~~ original trust. The second trust may be a trust created under ~~the same~~ :

(1) ***The original*** trust instrument ~~as the original trust~~, ***as modified after an appointment of property made pursuant to this section***; or ~~under a~~

(2) A different trust instrument.

(d) “Special needs trust” means a trust under 42 U.S.C. § 1396p(d)(4)(A) that meets the requirements for such a trust under any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid or other needs-based public assistance.

(e) “Third-party trust” means a trust that is:

(1) Established by a third party with the assets of the third party to provide for the supplemental needs of a person who is eligible for needs-based public assistance at or after the time of the creation of the trust; and

(2) Exempt from the provisions of any law or regulation of this State relating to the treatment of trusts for purposes of eligibility for Medicaid.

Sec. 33. NRS 163.590 is hereby amended to read as follows:

163.590 1. Whether or not the provisions relating to electronic trusts apply, a trust may refer to a written statement or list, including, without

limitation, a written statement or list contained in an electronic record, to dispose of items of ~~tangible personal~~ trust property not otherwise specifically disposed of by the trust . ~~[- other than money, evidences of indebtedness, documents of title, securities and property used in a trade or business.]~~

2. To be admissible as evidence of the intended disposition, the statement or list must contain:

- (a) The date of its execution.
- (b) A title indicating its purpose.
- (c) A reference to the trust to which it relates.
- (d) A reasonably certain description of the items to be disposed of and the beneficiaries.

(e) The handwritten signature or electronic signature of the settlor.

3. The statement or list may be:

- (a) Referred to as a writing to be in existence at the death of the settlor.
- (b) Prepared before or after the execution of the trust instrument.
- (c) Altered by the settlor after its preparation.
- (d) A writing which has no significance apart from its effect upon the dispositions made by the trust.

4. *Except as otherwise provided in this subsection, the statement or list may be used to dispose of all items of trust property, regardless of whether the trust property is real or personal property or tangible or intangible property. The trust instrument may limit the use of the statement or list so that the statement or list:*

- (a) *Is expressly limited to tangible personal property;***
- (b) *Cannot be used to direct the disposition of trust property that is above a value specified by the trust instrument; or***
- (c) *Is not applicable to certain types of property, including, without limitation:***

- (1) *Money;***
- (2) *Evidences of indebtedness;***
- (3) *Documents of title;***
- (4) *Securities; and***
- (5) *Property used in a trade or business.***

Sec. 34. Chapter 164 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The expenses and compensation of a trustee of a nontestamentary trust must initially be governed by the terms of the nontestamentary trust. Thereafter, subject to any contrary terms of the nontestamentary trust, the court shall allow the trustee his or her proper expenses and such compensation for services as are just and reasonable.*

2. *Where there are several trustees, compensation must be apportioned among the trustees according to the respective services rendered, and such compensation may be:*

- (a) *A fixed yearly compensation for each trustee;***
- (b) *A set amount for the term of service;***

- (c) *An hourly rate for services rendered; or*
- (d) *Pursuant to a standard schedule of fees.*

3. *The provisions of this section must not be interpreted to abridge the authority of a court having jurisdiction over a testamentary trust pursuant to NRS 153.020 or 164.010 to review and settle the expenses and compensation of the trustee of a testamentary trust upon the petition of any interested person.*

4. *As used in this section, “nontestamentary trust” has the meaning ascribed to it in NRS 163.0016.*

Sec. 35. NRS 164.025 is hereby amended to read as follows:

164.025 1. The trustee of a nontestamentary trust may after the death of the settlor of the trust cause to be published a notice in the manner specified in paragraph (b) of subsection 1 of NRS 155.020 and mail a copy of the notice to known or readily ascertainable creditors.

2. The notice must be in substantially the following form:

(a) *For a claim against the settlor:*

NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the trust., the settlor of that trust died on A creditor having a claim against the settlor must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated.....

.....

Trustee

.....

Address

(b) *For a claim against the trust:*

NOTICE TO CREDITORS

Notice is hereby given that the undersigned is the duly appointed and qualified trustee of the trust., the settlor of that trust died on A creditor having a claim against the trust estate must file a claim with the undersigned at the address given below within 90 days after the first publication of this notice.

Dated.....

.....

Trustee

.....

Address

3. A person having a claim, due or to become due, against a settlor or the trust, *as applicable*, must file the claim with the trustee within 90 days after

the mailing, for those required to be mailed, or 90 days after publication of the first notice to creditors. Any claim against *a settlor or* the trust estate, *as applicable*, not filed within that time is forever barred. After the expiration of the time ~~to~~ *to file a claim as provided in this section*, the trustee may distribute the assets of the trust to its beneficiaries without personal liability ~~to any creditor who has failed to file a~~ *for any claim which has not been timely filed* with the trustee.

4. If the trustee knows or has reason to believe that the settlor received public assistance during the lifetime of the settlor, the trustee shall, whether or not the trustee gives notice to other creditors, give notice within 30 days after the death to the Department of Health and Human Services in the manner provided in NRS 155.010. If notice to the Department is required by this subsection but is not given, the trust estate and any assets transferred to a beneficiary remain subject to the right of the Department to recover public assistance received.

5. If a claim is rejected by the trustee, in whole or in part, the trustee must, within 10 days after the rejection, notify the claimant of the rejection by written notice forwarded by registered or certified mail to the mailing address of the claimant. The claimant must bring suit in the proper court against the trustee within 60 days after the notice is given, whether the claim is due or not, or the claim is barred forever and the trustee may distribute the assets of the trust to its beneficiaries without personal liability to any creditor whose claim is barred forever.

6. As used in this section, "nontestamentary trust" has the meaning ascribed to it in NRS 163.0016.

Sec. 36. NRS 164.038 is hereby amended to read as follows:

164.038 1. Unless otherwise represented by counsel, a minor, incapacitated person, unborn person or person whose identity or location is unknown and not reasonably ascertainable may be represented by another person who has a substantially similar interest with respect to the question or dispute.

2. A person may only be represented by another person pursuant to subsection 1 if there is no material conflict of interest between the person and the representative with respect to the question or dispute for which the person is being represented. If a person is represented pursuant to subsection 1, the results of that representation in the question or dispute will be binding on the person.

3. A presumptive remainder beneficiary may represent and bind a beneficiary with a contingent remainder for the same purpose, in the same circumstance and to the same extent as an ascertainable beneficiary may bind a minor, incapacitated person, unborn person or person who cannot be ascertained.

4. *A powerholder may represent and bind a person who is a permissible appointee or taker in default of appointment.*

5. If a trust has a minor or incapacitated beneficiary who may not be represented by another person pursuant to this section, the custodial parent or guardian of the estate of the minor or incapacitated beneficiary may represent the minor or incapacitated beneficiary in any judicial proceeding or nonjudicial matter pertaining to the trust. A minor or incapacitated beneficiary may only be represented by a parent or guardian if there is no material conflict of interest between the minor or incapacitated beneficiary and the parent or guardian with respect to the question or dispute. If a minor or incapacitated beneficiary is represented pursuant to this subsection, the results of that representation will be binding on the minor or incapacitated beneficiary. The representation of a minor or incapacitated beneficiary pursuant to this subsection is binding on an unborn person or a person who cannot be ascertained if:

(a) The unborn person or a person who cannot be ascertained has an interest substantially similar to the minor or incapacitated person; and

(b) There is no material conflict of interest between the unborn person or a person who cannot be ascertained and the minor or incapacitated person with respect to the question or dispute.

~~§. 6.~~ As used in this section ~~the~~ ~~“presumptive”~~:

(a) ***“Permissible appointee”*** has the meaning ascribed to it in ***NRS 162B.065.***

(b) ***“Powerholder”*** has the meaning ascribed to it in ***NRS 162B.080.***

(c) ***“Presumptive remainder beneficiary”*** means:

~~(a)~~ (1) A beneficiary who would receive income or principal of the trust if the trust were to terminate as of that date, regardless of the exercise of a power of appointment; or

~~(b)~~ (2) A beneficiary who, if the trust does not provide for termination, would receive or be eligible to receive distributions of income or principal of the trust if all beneficiaries of the trust who were receiving or eligible to receive distributions were deceased.

(d) ***“Taker in default of appointment”*** has the meaning ascribed to it in ***NRS 162B.095.***

Sec. 37. NRS 164.045 is hereby amended to read as follows:

164.045 1. The laws of this State govern the validity and construction of a trust if:

(a) The trust instrument so provides;

(b) Designated by a person who, under the terms of the trust instrument, has the right to designate the laws that govern the validity and construction of the trust, at the time the designation is made; or

(c) The trust instrument does not provide for the law that governs the validity and construction of the trust, a person designated under the terms of the trust instrument to designate the law that governs the validity and construction of the trust, if any, has not made such a designation and the settlor or the trustee of the trust was a resident of this State at the time the trust was created or at the time the trust became irrevocable.

~~1. A trust instrument or designation cannot extend the duration of the trust beyond the rule against perpetuities otherwise applicable to the trust at the time of its creation.~~

2. A person not domiciled in this State may have the right to designate the laws that govern the validity and construction of a trust if properly designated under the trust instrument.

3. A trust, the situs of which is outside this State, that moves its situs to this State is valid whether or not the trust complies with the laws of this State at the time of its creation or after its creation.

Sec. 38. NRS 164.930 is hereby amended to read as follows:

164.930 1. A provision in a will or trust instrument requiring the arbitration of disputes other than disputes of the validity of all or a part of a will or trust, between or among ~~the~~ *one or more* beneficiaries ~~and a fiduciary~~ *or fiduciaries* under the will or trust, *a settlor of a nontestamentary trust*, or any combination of such persons or entities, is enforceable. *Such a provision in a will or trust instrument is not subject to the requirements of NRS 597.995.*

2. Unless otherwise specified in the will or trust, a will or trust provision requiring arbitration shall be presumed to require binding arbitration under NRS 38.206 to 38.248, inclusive. If an arbitration enforceable under this section is governed under NRS 38.206 to 38.248, inclusive, the arbitration provision in the will or trust shall be treated as an agreement for the purposes of applying the provisions of NRS 38.206 to 38.248, inclusive.

3. The court is authorized to appoint a guardian ad litem at any time during the arbitration procedure to represent the interests of a minor or a person who is incapacitated, unborn, unknown or unascertained, or a designated class of persons who are not ascertained or are not in being. If not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests. The guardian ad litem is entitled to reasonable compensation for services with such compensation to be paid from the principal of the estate or trust whose beneficiaries are represented. The provisions of NRS 164.038 and the common law relating to the doctrine of virtual representation apply to the dispute resolution procedure unless the common law rule or doctrine is inconsistent with the provisions of NRS 164.038, and any action taken by a court enforcing the judgment is conclusive and binding upon each person receiving actual or constructive notice or who is otherwise virtually represented.

4. Such arbitration in a provision in a will or trust may include, without limitation:

(a) The number, method of selection and minimum qualifications of arbitrators;

(b) The selection and establishment of arbitration procedures, including, without limitation, the incorporation of the arbitration rules for wills and trusts adopted by the American Arbitration Association;

(c) The county in which the dispute resolution will take place;

- (d) The scope of discovery;
- (e) The burden of proof;
- (f) Confidentiality of the arbitration process and the evidence produced during arbitration and discovery;
- (g) The awarding of attorney's fees, expert fees and costs;
- (h) The time period in which the arbitration must be conducted and deciding an award;
- (i) The method of allocating the appointed person's fees and expenses among the parties;
- (j) The required appointment of guardians ad litem;
- (k) The consequences to a party who fails to act in accordance with such provisions or contests such provisions; and
- (l) Other matters which are not inconsistent with NRS 38.206 to 38.248, inclusive.

Sec. 39. Chapter 166 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 and 41 of this act.

Sec. 40. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 166.020 and section 41 of this act have the meanings ascribed to them in those sections.*

Sec. 41. "Settlor" means:

1. *The person who creates a spendthrift trust ~~is~~ however described in the ~~spendthrift~~ trust instrument; or*
2. *Any person who contributes assets to the spendthrift trust ~~is~~ Such a person is a settlor as to the assets he or she contributed to the spendthrift trust except to the extent of consideration received therefor by that person.*

Sec. 42. NRS 166.020 is hereby amended to read as follows:

166.020 ~~For the purposes of this chapter, a spendthrift trust is defined to be~~ "Spendthrift trust" means a trust in which by the terms thereof a valid restraint on the voluntary and involuntary transfer of the interest of the beneficiary is imposed. It is an active trust not governed or executed by any use or rule of law of uses.

Sec. 43. ~~NRS 166.120 is hereby amended to read as follows:~~

~~166.120 1. A spendthrift trust [as defined in this chapter] restrains and prohibits generally the assignment, alienation, acceleration and anticipation of any interest of the beneficiary under the trust by the voluntary or involuntary act of the beneficiary, or by operation of law or any process or at all. The trust estate, or corpus or capital thereof, shall never be assigned, aliened, diminished or impaired by any alienation, transfer or seizure so as to cut off or diminish the payments, or the rents, profits, earnings or income of the trust estate that would otherwise be currently available for the benefit of the beneficiary.~~

~~2. Payments by the trustee to the beneficiary, whether such payments are mandatory or discretionary, must be made only to or for the benefit of the beneficiary and not by way of acceleration or anticipation, nor to any assignee of the beneficiary, nor to or upon any order, written or oral, given by the beneficiary, whether such assignment or order be the voluntary contractual act~~

~~of the beneficiary or be made pursuant to or by virtue of any legal process in judgment, execution, attachment, garnishment, bankruptcy or otherwise, or whether it be in connection with any contract, tort or duty. Any action to enforce the beneficiary's rights, to determine if the beneficiary's rights are subject to execution, to levy an attachment or for any other remedy must be made only in a proceeding commenced pursuant to chapter 153 of NRS, if against a testamentary trust, or NRS 164.010, if against a nontestamentary trust. A court has exclusive jurisdiction over any proceeding pursuant to this section.~~

~~3. The beneficiary shall have no power or capacity to make any disposition whatever of any of the income by his or her order, voluntary or involuntary, and whether made upon the order or direction of any court or courts, whether of bankruptcy or otherwise; nor shall the interest of the beneficiary be subject to any process of attachment issued against the beneficiary, or to be taken in execution under any form of legal process directed against the beneficiary or against the trustee, or the trust estate, or any part of the income thereof, but the whole of the trust estate and the income of the trust estate shall go to and be applied by the trustee solely for the benefit of the beneficiary, free, clear, and discharged of and from any and all obligations of the beneficiary whatsoever and of all responsibility therefor.~~

~~4. The trustee of a spendthrift trust is required to disregard and defeat every assignment or other act, voluntary or involuntary, that is attempted contrary to the provisions of this chapter.~~

~~5. A provision in a trust instrument that provides the restrictions set forth in this section is an enforceable restriction on the transfer of a beneficial interest of the transferor that is enforceable under applicable nonbankruptcy law pursuant to 11 U.S.C. § 541(e)(2).] (Deleted by amendment.)~~

Sec. 44. [NRS 166.170 is hereby amended to read as follows:

~~166.170 1. A person may not bring an action with respect to the validity of a trust or to its qualification as a spendthrift trust unless the action is commenced within 2 years after the trust is created. An action with respect to the validity of a trust or to its qualification as a spendthrift trust that involves specific trust property is an action with respect to a transfer of property to a spendthrift trust and must be commenced within the time permitted pursuant to subsection 2.~~

~~2. A person may not bring an action with respect to a transfer of property to a spendthrift trust:~~

~~(a) If the person is a creditor when the transfer is made, unless the action is commenced within:~~

~~(1) Two years after the transfer is made; or~~

~~(2) Six months after the person discovers or reasonably should have discovered the transfer,~~

~~whichever is later.~~

~~(b) If the person becomes a creditor after the transfer is made, unless the action is commenced within 2 years after the transfer is made.~~

~~— [2.] 3. A person shall be deemed to have discovered a transfer at the time a public record is made of the transfer, including, without limitation, the conveyance of real property that is recorded in the office of the county recorder of the county in which the property is located or the filing of a financing statement pursuant to chapter 104 of NRS.~~

~~— [3.] 4. A creditor may not bring an action with respect to transfer of property to a spendthrift trust unless a creditor can prove by clear and convincing evidence that the transfer of property was a fraudulent transfer pursuant to chapter 112 of NRS or that the transfer violates a legal obligation owed to the creditor under a contract or a valid court order that is legally enforceable by that creditor. In the absence of such clear and convincing proof, the property transferred is not subject to the claims of the creditor. Proof by one creditor that a transfer of property was fraudulent or wrongful does not constitute proof as to any other creditor and proof of a fraudulent or wrongful transfer of property as to one creditor shall not invalidate any other transfer of property.~~

~~— [4.] 5. If property transferred to a spendthrift trust is conveyed to the settlor or to a beneficiary for the purpose of obtaining a loan secured by a mortgage or deed of trust on the property and then reconveyed to the trust, for the purpose of subsection [1.] 2, the transfer is disregarded and the reconveyance relates back to the date the property was originally transferred to the trust. The mortgage or deed of trust on the property shall be enforceable against the trust.~~

~~— [5.] 6. A person may not bring a claim against an adviser to the settlor or trustee of a spendthrift trust unless the person can show by clear and convincing evidence that the adviser acted in violation of the laws of this State, knowingly and in bad faith, and the adviser's actions directly caused the damages suffered by the person.~~

~~— [6.] 7. A person other than a beneficiary or settlor may not bring a claim against a trustee of a spendthrift trust unless the person can show by clear and convincing evidence that the trustee acted in violation of the laws of this State, knowingly and in bad faith, and the trustee's actions directly caused the damages suffered by the person. As used in this subsection, "trustee" includes a cotrustee, if any, and a predecessor trustee.~~

~~— [7.] 8. If more than one transfer is made to a spendthrift trust:~~

~~— (a) The subsequent transfer to the spendthrift trust must be disregarded for the purpose of determining whether a person may bring an action pursuant to subsection [1.] 2 with respect to a prior transfer to the spendthrift trust; and~~

~~— (b) Any distribution to a beneficiary from the spendthrift trust shall be deemed to have been made from the most recent transfer made to the spendthrift trust.~~

~~— [8.] 9. Notwithstanding any other provision of law, no action of any kind, including, without limitation, an action to enforce a judgment entered by a court or other body having adjudicative authority, may be brought at law or in equity against the trustee of a spendthrift trust if, as of the date the action is~~

brought, an action by a creditor with respect to a transfer to the spendthrift trust would be barred pursuant to this section.

~~— [9.] 10. For purposes of this section, if a trustee exercises his or her discretion or authority to distribute trust income or principal to or for a beneficiary of the spendthrift trust, by appointing the property of the original spendthrift trust in favor of a second spendthrift trust for the benefit of one or more of the beneficiaries as authorized by NRS 163.556, the time of the transfer for purposes of this section shall be deemed to have occurred on the date the settlor of the original spendthrift trust transferred assets into the original spendthrift trust, regardless of the fact that the property of the original spendthrift trust may have been transferred to a second spendthrift trust.~~

~~— [10.] 11. As used in this section:~~

~~— (a) “Adviser” means any person, including, without limitation, an accountant, attorney or investment adviser, who gives advice concerning or was involved in the creation of, transfer of property to, or administration of the spendthrift trust or who participated in the preparation of accountings, tax returns or other reports related to the trust.~~

~~— (b) “Creditor” has the meaning ascribed to it in subsection 4 of NRS 112.150.] (Deleted by amendment.)~~

Sec. 45. NRS 597.995 is hereby amended to read as follows:

597.995 1. Except as otherwise provided in subsection 3, an agreement which includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement must include specific authorization for the provision which indicates that the person has affirmatively agreed to the provision.

2. If an agreement includes a provision which requires a person to submit to arbitration any dispute arising between the parties to the agreement and the agreement fails to include the specific authorization required pursuant to subsection 1, the provision is void and unenforceable.

3. The provisions of this section do not apply to an agreement that is a collective bargaining agreement. As used in this subsection, “collective bargaining” has the meaning ascribed to it in NRS 288.033.

4. *The provisions of this section do not apply to a provision in a will or trust instrument that requires the arbitration of disputes which is enforceable pursuant to NRS 164.930.*

Sec. 46. NRS 669A.082 is hereby amended to read as follows:

669A.082 “Fiduciary” means:

1. A person described in NRS 132.145;
 2. A person described in NRS 163.554;
 3. ~~{An excluded}~~ **A directed** fiduciary as ~~{defined}~~ **provided** in NRS ~~{163.5539;}~~ **163.5548**; and

4. A trust protector as defined in NRS 163.5547,
 ↪ who may not be acting as a fiduciary under the terms of the trust instrument or will.

Sec. 47. NRS 163.5539 and 165.160 are hereby repealed.

TEXT OF REPEALED SECTIONS

163.5539 “Excluded fiduciary” defined. “Excluded fiduciary” means any fiduciary excluded from exercising certain powers under the instrument and those powers may be exercised by the settlor, custodial account owner, investment trust adviser, trust protector, trust committee or other person designated in the instrument.

165.160 Trust instrument.

1. Except as otherwise provided by a specific statute, federal law or common law, the terms of a trust instrument may expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation, specifying:

- (a) The right to be informed of the beneficiary’s interest for a period of time;
- (b) The grounds for removing a fiduciary;
- (c) The circumstances, if any, in which the fiduciary must diversify investments; and

(d) A fiduciary’s powers, duties, standard of care, rights of indemnification and liability to persons whose interests arise from the trust instrument.

2. Nothing in this section shall be construed to:

- (a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary’s own willful misconduct or gross negligence; or
- (b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary’s willful misconduct or gross negligence.

3. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

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. 288.

Bill read second time.

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

Amendment No. 393.

SUMMARY—Makes various changes relating to **motor vehicles**. ~~{vehicle registration services}~~ (BDR 43-938)

AN ACT relating to motor vehicles; ~~requiring the Department of Motor Vehicles to license certain persons as authorized third parties to provide registration, titling and other services; setting forth the fees and other requirements for licensure as an authorized third party; setting forth the services an authorized third party may perform; setting forth the fees an authorized third party may collect for providing such services;~~ requiring the

Department of **Motor Vehicles** to **make certain efforts to** provide employees who are fluent in certain languages at offices of the Department in certain circumstances; ~~requiring the Department to use consistent terms relating to motor vehicles on certain forms provided by the Department;~~ revising provisions related to towing certain vehicles from a residential complex; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, certain voting materials must be provided in a language other than English in certain political subdivisions if more than 5 percent of the citizens of voting age in the subdivision are members of a single language minority and are limited-English proficient. (52 U.S.C. § 10503) **Section 1** of this bill requires the Department of Motor Vehicles, in any office of the Department located in a county where federal law requires voting materials in a language other than English, to **make every effort to** provide at least one employee who is fluent in the language of the relevant single language minority.

~~Section 10 of this bill authorizes the Department to license a person as an authorized third party to conduct certain registration and titling services if the person meets certain requirements, including, without limitation, the provision of fingerprints and passing a criminal background check. Section 9 of this bill sets forth the services that an authorized third party may provide to its customers, which are: (1) providing applications for certain motor vehicle and off-highway vehicle registration and titling services; (2) accepting those applications; (3) issuing certificates of registration, certificates of title, license plates and decals; (4) issuing a permit authorizing the travel on the highways of this State of an unregistered vehicle in certain circumstances; (5) notarizing certain documents; (6) submitting change of address information; and (7) accepting license plates that are required to be surrendered to the Department. Section 9 also authorizes an authorized third party to charge its customers a convenience fee for its services, and sets forth the portion of each statutory fee for services that may be retained by the authorized third party. Section 9 further requires an authorized third party to remit all fees due to the Department and collected by the authorized third party not less than daily. Section 8 of this bill requires the Department to provide an authorized third party: (1) access to those portions of the Department database or other technology systems required for an authorized third party to provide the authorized services; (2) training in the provision of such services; (3) access to bulk appointments at offices of the Department; (4) the ability to purchase bulk amounts of certain forms, license plates and decals from the Department; and (5) notice of any relevant new regulations, policies or procedures and any amendments to same. Section 12 of this bill requires that an authorized third party must provide the Department with a bond, and section 13 of this bill sets forth the grounds on which the Department may refuse to issue or renew the license of an authorized third party, or suspend or revoke such a license. Section 14 of this bill requires that all employees of an authorized third party be fingerprinted for a~~

~~background check and trained by the Department before performing any of the authorized services of the authorized third party. Section 15 of this bill sets forth the records that an authorized third party must maintain and make available for inspection by the Department. Sections 2 7 and 16 74 of this bill make conforming changes.~~

~~Existing law requires that certain motor vehicles be tested for emissions in certain counties in this State. (NRS 445B.770 445B.815) As part of the emissions testing program, the Department collects fees for each set of forms purchased for use to certify emission control compliance. (NRS 445B.830) Section 75 of this bill requires the Department to ensure that such forms must use the same terms regarding the make, model and features of a vehicle as any other forms of the Department that are used for vehicle inspections.]~~

Existing law imposes certain requirements on the towing of a vehicle from a residential complex when the tow is at the request of a person other than the owner of the vehicle. (NRS 706.4477) **Section 76** of this bill newly requires a tow operator who has been requested by the owner of the real property where the residential complex is located, or an authorized agent of the owner, to tow a vehicle from the residential complex based on an expired registration of the vehicle to independently verify the registration status of the vehicle before towing the vehicle. A tow operator who fails to comply with that requirement is responsible for the cost of the towing and storage of the vehicle.

~~[Finally, section 77 of this bill requires the Legislative Auditor to conduct an audit of the Department which measures the accuracy and average time of completion of transactions involving the various services that an authorized third party may conduct pursuant to section 9. The Legislative Auditor is required to present a final written report to the Audit Subcommittee of the Legislative Commission not later than July 1, 2020.]~~

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

Section 1. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

At each office of the Department in which voting materials are required pursuant to NRS 293.2699 to be provided in the language or languages of a minority group, the Department shall make every effort to ensure that not less than one employee who is fluent in each such language is available to provide services in the office in the language or languages of the minority group. Such efforts must include, without limitation, including fluency in any such language a consideration when hiring employees for or transferring employees to an office that lacks such an employee.

Sec. 2. ~~[NRS 481.015 is hereby amended to read as follows:~~

~~481.015 1. Except as otherwise provided in this subsection, as used in this title, unless the context otherwise requires, "certificate of title" means the document issued by the Department or an authorized third party that~~

identifies the legal owner of a vehicle and contains the information required pursuant to subsection 2 of NRS 482.245. The definition set forth in this subsection does not apply to chapters 488 and 489 of NRS.

~~2. Except as otherwise provided in chapter 480 of NRS, NRS 484C.600 to 484C.640, inclusive, 486.363 to 486.375, inclusive, and chapters 486A and 488 of NRS, as used in this title, unless the context otherwise requires:~~

~~(a) "Department" means the Department of Motor Vehicles.~~

~~(b) "Director" means the Director of the Department.~~

~~3. As used in this title, the term "full legal name" means a natural person's first name, middle name and family name or last name, without the use of initials or a nickname. The term includes a full legal name that has been changed pursuant to the provisions of NRS 483.375 or 483.8605. (Deleted by amendment.)~~

Sec. 3. ~~NRS 481.048 is hereby amended to read as follows:~~

~~481.048 1. The Director shall appoint, within the limits of legislative appropriations, investigators for the Division of Compliance Enforcement.~~

~~2. The duties of the investigators are to travel the State and:~~

~~(a) Act as investigators in the enforcement of the provisions of chapters 482, 487 and 490 of NRS, NRS 108.265 to 108.367, inclusive, and 108.440 to 108.500, inclusive, as those sections pertain to motor vehicles, trailers, motorcycles, recreational vehicles and semitrailers, as defined in chapter 482 of NRS, and off highway vehicles, as defined in NRS 490.060.~~

~~(b) Act as advisers to any business licensed by the Department in connection with any problems arising under the provisions of chapters 108, 482, 483, 487 and 490 of NRS.~~

~~(c) Advise and assist personnel of the Nevada Highway Patrol in the enforcement of traffic laws and motor vehicle registration laws as they pertain to any business licensed by the Department.~~

~~(d) Act as investigators in the enforcement of the provisions of NRS 483.700 to 483.780, inclusive, relating to the licensing of schools and instructors for training drivers.~~

~~(e) Act as investigators in the enforcement of the provisions of sections 7 to 15, inclusive, of this act relating to authorized third parties, as defined in section 7 of this act.~~

~~(f) Exercise their police powers in the enforcement of the laws of this State to prevent acts of fraud or other abuses in connection with the provision of services offered to the public by the Department.~~

~~[(f)] (g) Perform such other duties as may be imposed by the Director.~~

(Deleted by amendment.)

Sec. 4. ~~NRS 481.051 is hereby amended to read as follows:~~

~~481.051 1. The Director shall direct and supervise all administrative and technical activities of the Department.~~

~~2. The Director may organize the Department into various divisions, alter the organization and reassign responsibilities and duties as the Director deems appropriate.~~

~~3. The Director shall:~~

~~(a) Formulate the policy of the Department and the various divisions thereof;~~

~~(b) Coordinate the activities of the various divisions of the Department.~~

~~(c) Adopt such regulations consistent with law as the Director deems necessary for the operation of the Department and the enforcement of all laws administered by the Department.~~

~~4. The Director may appoint vendors to serve as agents of the Department to sell temporary permits. The vendor shall collect the fees for the permits issued pursuant to chapter 706 of NRS and pay them to the Department. The vendor shall guarantee payment by giving a bond in an amount not less than \$25,000, executed by the vendor as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada. In lieu of a bond, the vendor may deposit with the State Treasurer a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon approval of the Director. Upon approval of the Governor, the Director may appoint inspectors of the Nevada Transportation Authority and personnel of the Nevada Highway Patrol Division of the Department of Public Safety to serve without remuneration as vendors for the purposes of this subsection.~~

~~5. The Director may enter into a contract with a supplier of self-service terminals or kiosks which authorizes the supplier to process through those self-service terminals or kiosks certain transactions pursuant to this chapter and chapters 482, 483 and 485 of NRS that have been designated by the Director and to charge and collect from customers a nonrefundable processing fee for each such transaction. The Director shall adopt regulations to carry out the provisions of this subsection.~~

~~6. *The Director, pursuant to sections 7 to 15, inclusive, of this act, may license an authorized third party, as defined in section 7 of this act, to provide services and charge and collect from customers a convenience fee as authorized in section 9 of this act.*~~

~~7. The Director may delegate to the officers and employees of the Department such authorities and responsibilities not otherwise delegated by law as the Director deems necessary for the efficient conduct of the business of the Department. (Deleted by amendment.)~~

Sec. 5. [NRS 481.063 is hereby amended to read as follows:

~~481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.~~

~~2. Except as otherwise provided in subsection [6,] 7, the Director may release personal information, except a photograph, from a file or record~~

relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director:

~~3. Except as otherwise provided in subsections 2 and [4,] 5, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:~~

~~(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;~~

~~(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or~~

~~(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.~~

~~4. When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.~~

~~4. ***The Director may allow access by an authorized third party, as defined in section 7 of this act, to those portions of the Department database or other technology systems required to perform the services which the authorized third party is authorized to perform pursuant to section 9 of this act.***~~

~~5. If a person is authorized to obtain [such] ***the personally identifiable information described in subsection 3*** pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:~~

~~(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or~~

~~(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.~~

~~[5.] 6. Except as otherwise provided in subsections 2, [4] 5 and [6] 7 and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.~~

~~[6.] 7. Except as otherwise provided in paragraph (a) and subsection [7,] 8, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:~~

~~(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.~~

~~(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.~~

~~(c) In connection with matters relating to:~~

~~(1) The safety of drivers of motor vehicles;~~

~~(2) Safety and thefts of motor vehicles;~~

~~(3) Emissions from motor vehicles;~~

~~(4) Alterations of products related to motor vehicles;~~

~~(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;~~

~~(6) Monitoring the performance of motor vehicles;~~

~~(7) Parts or accessories of motor vehicles;~~

~~(8) Dealers of motor vehicles; or~~

~~(9) Removal of nonowner records from the original records of motor vehicle manufacturers.~~

~~(d) By any insurer, self insurer or organization that provides assistance or support to an insurer or self insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.~~

~~(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.~~

~~(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.~~

~~(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.~~

~~—(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.~~

~~—(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.~~

~~—(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.~~

~~— [7.] 8. Except as otherwise provided in paragraph (j) of subsection [6.] 7, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection [6.] 7. Such a person shall keep and maintain for 5 years a record of:~~

~~—(a) Each person to whom the information is provided; and~~

~~—(b) The purpose for which that person will use the information.~~

~~→ The record must be made available for examination by the Department at all reasonable times upon request.~~

~~— [8.] 9. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.~~

~~— [9.] 10. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.~~

~~— [10.] 11. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.~~

~~— [11.] 12. The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:~~

~~— (a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;~~

~~— (b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;~~

~~— (c) Understands that a record will be maintained by the Department of any information he or she requests; and~~

~~— (d) Understands that a violation of the provisions of this section is a criminal offense.~~

~~— [12.] 13. It is unlawful for any person to:~~

~~— (a) Make a false representation to obtain any information from the files or records of the Department.~~

~~— (b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.~~

~~— [13.] 14. As used in this section:~~

~~— (a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.~~

~~— (b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.~~

~~— (c) "Vehicle" includes, without limitation, an off highway vehicle as defined in NRS 490.060. (Deleted by amendment.)~~

~~Sec. 6. [Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 15, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 7. ["Authorized third party" means a person licensed by the Department pursuant to section 10 of this act to provide to customers of the authorized third party certain services concerning the registration and titling of motor vehicles.] (Deleted by amendment.)~~

~~Sec. 8. [I. The Department shall provide an authorized third party:~~

~~— (a) Access to those portions of the Department database or other technology systems required to perform the services which an authorized third party is authorized to perform pursuant to section 9 of this act.~~

~~— (b) Training for the authorized third party and his or her employees on those policies and procedures of the Department that are relevant to~~

~~providing the services authorized in section 9 of this act, including, without limitation, training regarding accessing portions of the Department database or other technology systems pursuant to paragraph (a). As part of the training the Department shall provide the authorized third party a written summary of the rights and responsibilities of the authorized third party, including, without limitation, those rights and responsibilities related to bulk appointments. The Department may charge the authorized third party a reasonable fee for such training.~~

~~—(c) Access to appointments, including, without limitation, bulk appointments, through any electronic or digital system in use by the Department that allows a customer to make an appointment for services at an office of the Department.~~

~~—(d) Except as otherwise provided in this section, the ability to purchase from the Department bulk amounts of certificates of registration, certificates of title, license plates, decals, permits and other forms related to the services that an authorized third party is authorized to provide pursuant to section 9 of this act.~~

~~—(e) Notice of any regulations, policies or procedures and any amendments to such regulations, policies or procedures concerning authorized third parties or the services which an authorized third party is authorized to provide pursuant to section 9 of this act not less than 30 days before such regulations, policies, procedures or amendments become effective.~~

~~—2. An authorized third party may provide the services authorized in section 9 of this act in any or all of the following manners:~~

~~—(a) By visiting an office of the Department or the Internet website of the Department on behalf of a customer;~~

~~—(b) Through the use of an Internet website or application of the authorized third party; or~~

~~—(c) At a physical location operated by the authorized third party.~~

~~—3. An authorized third party may not obtain from the Department bulk amounts of special license plates, including without limitation, personalized prestige license plates issued pursuant to NRS 482.3667, but may accept applications for special license plates, forward such applications to the Department and issue the special license plates on behalf of the Department upon receipt from the Department of such special license plates.~~

~~—4. Any money collected by the Department in the administration of the powers and duties provided in sections 7 to 15, inclusive, of this act shall be deemed to be a cost of administration with respect to the operation of motor vehicles upon the public highways of this State.~~

~~—5. As used in this section, “bulk appointments” means a series of two or more consecutive appointments on a given day at an office of the Department.] (Deleted by amendment.)~~

Sec. 9. ~~H. Except as otherwise provided in this section and section 8 of this act, an authorized third party may provide the following services:~~

~~—(a) Provide to and accept from a customer an application for:~~

~~—(1) Registration, renewal of registration, transfer of registration and reinstatement of registration of a motor vehicle or an off-highway vehicle;~~

~~—(2) A certificate of title, transfer of title and a duplicate or substitute certificate of title;~~

~~—(3) License plates, including, without limitation, special license plates, duplicate number plates and substitute number plates; and~~

~~—(4) A permit to operate a vehicle authorized in NRS 482.396.~~

~~—(b) Issue, to an applicant who satisfies the requirements of this chapter or chapter 490 of NRS, as applicable:~~

~~—(1) A certificate of registration, including, without limitation, a duplicate or substitute certificate of registration;~~

~~—(2) A certificate of title, including, without limitation, a duplicate or substitute certificate of title;~~

~~—(3) License plates;~~

~~—(4) A decal or a substitute decal for a license plate; and~~

~~—(5) A permit to operate a vehicle pursuant to NRS 482.396.~~

~~—(c) Notarize documents required to be notarized by this chapter, provided that such services are provided by a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State.~~

~~—(d) Submit change of address information to the Department on behalf of a customer of the authorized third party.~~

~~—(e) Accept license plates that are required to be surrendered to the Department. The authorized third party must deliver the license plates to the Department within 5 business days after receipt.~~

~~—(f) Submit information to the Department regarding a customer who has claimed an exemption pursuant to NRS 371.101, transferred an exemption pursuant to NRS 371.103, made a payment pursuant to NRS 371.1035 or file an affidavit pursuant to NRS 371.104.~~

~~—2. Except as otherwise provided in subsection 4, an authorized third party must collect for each service provided the fees required by this chapter or chapter 490, as applicable, including, without limitation, all applicable governmental services taxes, and remit those fees and taxes to the Department not less than daily.~~

~~—3. An authorized third party may:~~

~~—(a) Collect and retain for each service provided a reasonable convenience fee; and~~

~~—(b) May add the cost for expedited processing of services if requested by the applicant.~~

~~—4. An authorized third party may retain from the fees required by this chapter or chapter 490 of NRS, as applicable, and collected by the authorized third party:~~

~~—(a) Two dollars for each issuance of:~~

~~—(1) A certificate of registration.~~

~~—(2) License plates, including special license plates.~~

- ~~— (3) A certificate of title.~~
- ~~— (4) A permit to operate a vehicle pursuant to NRS 482.396.~~
- ~~— (b) One dollar for each issuance of:~~
 - ~~— (1) A duplicate or substitute certificate of registration.~~
 - ~~— (2) Substitute number plates.~~
 - ~~— (3) Duplicate number plates.~~
- ~~— 5. An authorized third party must post the fees authorized by this section, along with fees required by this chapter or chapter 490 of NRS, as applicable, for each service provided by the authorized third party:~~
 - ~~— (a) In every physical location where the authorized third party provides services, if applicable; and~~
 - ~~— (b) On the Internet website of the authorized third party, if applicable.~~
- ~~— 6. Fees posted pursuant to subsection 5 must be broken down into the following categories:~~
 - ~~— (a) Fees required by the Department.~~
 - ~~— (b) Convenience fees charged by the authorized third party.~~
 - ~~— (c) The fee for expedited service, if applicable.~~
- ~~— 7. If at any time an authorized third party is unable to account for an unissued certificate of registration, certificate of title, license plate, decal or permit, the authorized third party must immediately pay to the Department an amount established by the Department by regulation.~~
- ~~— 8. An authorized third party may not provide any of the services authorized in subsection 1 for:~~
 - ~~— (a) Autonomous vehicles, as defined in NRS 482A.030.~~
 - ~~— (b) Vehicles owned by a short-term lessor.~~
 - ~~— (c) Specially constructed, reconstructed, rebuilt or foreign vehicles.~~
 - ~~— (d) Vehicles required pursuant to NRS 482.276 or 482.2916 to submit an application for registration or renewal with the Motor Carrier Division of the Department.~~
 - ~~— (e) Vehicles required to be registered pursuant to chapter 706 or 706B of NRS.~~
 - ~~— (f) A replica vehicle or military tactical vehicle, as those terms are defined in NRS 445B.759.~~
 - ~~— (g) An abandoned recreational vehicle pursuant to NRS 482.262.~~
 - ~~— (h) A person seeking a certificate of title pursuant to NRS 482.2605 or a salvage title pursuant to NRS 487.820.~~
- ~~— 9. All the fees authorized by this section to be charged and collected by an authorized third party shall be deemed to be a cost of administration with respect to the operation of motor vehicles upon the public highways of this State.] (Deleted by amendment.)~~

Sec. 10. ~~1. A person shall not engage in the activity of an authorized third party in this State without first having received a license from the Department. Before issuing a license to an authorized third party, the Department shall require:~~

~~—(a) An application, signed and verified by the applicant, stating that the applicant desires to be licensed as an authorized third party, his or her residential address, his or her social security number and the address of his or her principal place of business.~~

~~—(b) A statement as to whether any previous application of the applicant for a license as an authorized third party has been denied or whether such a license has been suspended or revoked.~~

~~—(c) Payment of a nonrefundable license fee as follows:~~

~~—(1) For an authorized third party that operates a fixed physical location where a customer may obtain services or have the authorized third party obtain services from the Department on behalf of the customer, a fee of \$150.~~

~~—(2) For an authorized third party who does not operate a fixed location where a customer may obtain services or have the authorized third party obtain services from the Department on behalf of the customer, a fee of \$75.~~

~~—(d) A fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.~~

~~—(e) For initial licensure, the submission of a complete set of the applicant's fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~—(f) If the applicant is a natural person, the statement required pursuant to section 11 of this act.~~

~~—(g) Any other information the Department deems necessary.~~

~~— A license issued pursuant to this section expires on December 31 of the year in which it was issued and may be renewed by payment to the Department of the annual renewal fee of \$50 and, if the licensee is a natural person, submission of the statement required pursuant to section 11 of this act.~~

~~—2. If a licensee fails to renew his or her license before it expires on December 31, the license may be reinstated upon submission to the Department:~~

~~—(a) The annual renewal fee of \$50;~~

~~—(b) A late fee of \$25; and~~

~~—(c) If the licensee is a natural person, the statement required pursuant to section 11 of this act.~~

~~—3. The Department shall issue a license to each qualified applicant in a competitively neutral and nondiscriminatory manner as to all similarly situated applicants.~~

~~—4. The Department may deny the issuance of a license to engage in the activities of an authorized third party upon any of the following grounds:~~

~~—(a) Failure of the applicant to have an established place of business in this State.~~

~~—(b) Conviction of:~~

~~—(1) A felony in this State or any other state, territory or nation; or~~

~~—(2) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.~~

~~—(c) Material misstatement in the application.~~

~~—(d) Evidence of unfitness of the applicant or licensee.~~

~~—(e) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business if required pursuant to subsection 8.~~

~~—(f) Willful failure to comply with a provision of the motor vehicle laws of this State, or a regulation of the Department, or a directive of the Director. For the purpose of this paragraph, failure to comply with a directive of the Director advising the licensee of noncompliance with a provision of the motor vehicle laws of this State or a regulation of the Department, within 10 days after the receipt of the directive, is prima facie evidence of willful failure to comply with the directive.~~

~~—(g) Failure or refusal to furnish and keep in force any bond required pursuant to section 12 of this act.~~

~~—(h) Failure or refusal by the licensee to pay or otherwise discharge a final judgment against the licensee rendered and entered against the licensee, arising out of the misrepresentation of any services provided by the authorized third party, or out of a fraud committed in connection with the services provided by an authorized third party.~~

~~—(i) Failure of the licensee to maintain any other license or bond required by a political subdivision of this State.~~

~~—(j) Any other reason determined by the Director to be in the best interests of the public.~~

~~↪ The Director may deny the issuance of a license to an applicant or revoke a license already issued if the Department is satisfied that the applicant or licensee is not entitled thereto.~~

~~—5. If an application for an authorized third party's license has been denied, the applicant may not reapply sooner than 6 months after the denial.~~

~~—6. An authorized third party's license must be posted in a conspicuous place on the premises of the authorized third party's principal place of business or, if no such premises exist, must be carried on the person of the authorized third party whenever the authorized third party is engaged in the business of an authorized third party.~~

~~—7. If any information submitted in the application for an authorized third party's license changes, the authorized third party shall submit a written notice of the change to the Department within 10 days after the change occurs.~~

~~8. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activity of an authorized third party, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to this section or to determine the suitability of an applicant or a licensee for such licensure.~~

~~9. Except as otherwise provided in NRS 482.555, any person who fails to comply with the provisions of this section is guilty of a misdemeanor.]~~
(Deleted by amendment.)

Sec. 11. ~~H. Except as otherwise provided in subsection 5, an applicant for the issuance or renewal of a license as an authorized third party shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Department shall include the statement required pursuant to subsection 1 in:~~

~~(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~(b) A separate form prescribed by the Department.~~

~~3. A license as an authorized third party may not be issued or renewed by the Department if the applicant:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.~~

~~5. If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his or her place of business for not less than 3 years after submitting the~~

~~electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.] (Deleted by amendment.)~~

Sec. 12. ~~{1. No license may be issued to an authorized third party until the authorized third party procures and files with the Department a good and sufficient bond in the amount of \$50,000, with a corporate surety thereon, licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant shall conduct business as an authorized third party without fraud or fraudulent representation, and in compliance with the provisions of sections 7 to 15, inclusive, of this act. The Department may, by agreement with any authorized third party who has been licensed by the Department for 5 years or more, allow a reduction in the amount of the bond of the authorized third party, if the business of the authorized third party has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than \$10,000.~~

~~2. The bond may be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.~~

~~3. The bond must provide that any person injured by the action of an authorized third party or any employee of an authorized third party in violation of any of the provisions of sections 7 to 15, inclusive, of this act may apply to the Director for compensation from the bond. The Director, for good cause shown and after notice and opportunity for hearing, may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.~~

~~4. In lieu of a bond, an authorized third party may deposit with the Department, under the terms prescribed by the Department:~~

~~(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the Department; or~~

~~(b) A savings certificate of a bank, credit union, savings and loan association or savings bank situated in Nevada, which must indicate an account of an amount equal to the amount of the bond which would otherwise be required by this section and that this amount is unavailable for withdrawal except upon order of the Department. Interest earned on the certificate accrues to the account of the applicant.~~

~~5. A deposit made pursuant to subsection 4 may be disbursed by the Director, for good cause shown and after notice and opportunity for hearing, in an amount determined by the Director to compensate a person injured by an action of the licensee, or released upon receipt of:~~

~~(a) An order of a court requiring the Director to release all or a specified portion of the deposit; or~~

~~(b) A statement signed by the person under whose name the deposit is made and acknowledged before any person authorized to take acknowledgments in this State, requesting the Director to release the deposit,~~

~~or a specified portion thereof, and stating the purpose for which the release is requested.~~

~~6. When a deposit is made pursuant to subsection 4, liability under the deposit is in the amount prescribed by the Department. If the amount of the deposit is reduced or there is an outstanding judgment of a court for which the licensee is liable under the deposit, the license is automatically suspended. The license must be reinstated if the licensee:~~

~~(a) Files an additional bond pursuant to subsection 1;~~

~~(b) Restores the deposit with the Department to the original amount required under this section; or~~

~~(c) Satisfies the outstanding judgment for which he or she is liable under the deposit.~~

~~7. A deposit made pursuant to subsection 4 may be refunded:~~

~~(a) By order of the Director, 3 years after the date the licensee ceases to be licensed by the Department, if the Director is satisfied that there are no outstanding claims against the deposit; or~~

~~(b) By order of the court, at any time within 3 years after the date the licensee ceases to be licensed by the Department, upon evidence satisfactory to the court that there are no outstanding claims against the deposit.~~

~~8. Any money received by the Department pursuant to subsection 4 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund.]~~
(Deleted by amendment.)

Sec. 13. ~~I. The Department may refuse to issue or renew or may suspend or revoke a license as an authorized third party upon any of the following grounds:~~

~~(a) Conviction of:~~

~~(1) A felony in this State or any other state, territory or nation; or~~

~~(2) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.~~

~~(b) Material misstatement in the application for a license.~~

~~(c) Evidence of unfitness of the applicant or licensee.~~

~~(d) Willful failure to comply with the provisions of this chapter or the regulations adopted pursuant thereto, or any law relating to the operation of a motor vehicle.~~

~~(e) Failure or refusal to furnish and keep in force any bond required pursuant to section 12 of this act.~~

~~(f) Failure of the licensee to maintain any other license required by any political subdivision of this State.~~

~~2. Any person whose application is denied or whose license is refused to renew, suspended or revoked pursuant to this section is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.]~~

(Deleted by amendment.)

Sec. 14. ~~I. No employee of an authorized third party may conduct transactions with customers or provide any of the services authorized in~~

~~section 9 of this act until the employee has successfully completed training provided pursuant to subsection 1 of section 8 of this act.~~

~~2. No employee of an authorized third party may conduct transactions with customers or provide any of the services authorized in section 9 of this act if the employee has been convicted of:~~

~~(a) A felony in this State or any other state, territory or nation; or~~

~~(b) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.~~

~~3. Except as otherwise provided in subsection 4, within 5 days after hiring any employee who will conduct transactions with customers or provide any of the services authorized in section 9 of this act, an authorized third party shall:~~

~~(a) Obtain a written statement from the employee stating whether he or she has been convicted of any crime listed in subsection 2;~~

~~(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);~~

~~(c) Obtain from the employee one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and~~

~~(d) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (c) to obtain information on the background and personal history of each employee to determine whether the person has been convicted of any crime listed in subsection 2.~~

~~4. An authorized third party is not required to obtain the information described in subsection 3 from an employee if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee has not been convicted of any crime set forth in subsection 2.~~

~~5. An authorized third party shall conduct an investigation pursuant to this section of each employee who conducts transactions with customers or provides any of the services authorized in section 9 of this act at least once every 5 years after the initial investigation. (Deleted by amendment.)~~

Sec. 15. ~~1. An authorized third party must obtain and compile any records required to be compiled by the Department. Such records must be:~~

~~(a) Retained by the authorized third party for a time period determined by the Department by regulation; and~~

~~(b) Open to inspection by any peace officer, investigator of the Department or any employee of the Department who is authorized by the Department to inspect such records.~~

~~2. The records required pursuant to subsection 1 must include, without limitation, records which track the amount and type of services provided by the authorized third party.] (Deleted by amendment.)~~

Sec. 16. [NRS 482.010 is hereby amended to read as follows:

~~482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, and section 7 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 17. [NRS 482.160 is hereby amended to read as follows:

~~482.160 1. The Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.~~

~~2. The Director may establish branch offices as provided in NRS 481.055, and may by contract appoint any person or public agency as an agent to assist in carrying out the duties of the Department pursuant to this chapter. The Director may designate the county assessor of any county as agent to assist in carrying out the duties of the Department in that county. The county assessor may, under an agreement with the Department made pursuant to this subsection, transfer his or her duties as agent to the Department where the Department has established a branch office, consisting of full time employees, in the county.~~

~~3. Except as otherwise provided in this subsection [,] and section 9 of this act, the contract with each agent appointed by the Department in connection with the registration of motor vehicles and issuance of license plates must provide for compensation based upon the reasonable value of the services of the agent but must not exceed \$2 for each registration. An authorized inspection station or authorized station that issues certificates of registration pursuant to NRS 482.281 is not entitled to receive compensation from the Department pursuant to this subsection.] (Deleted by amendment.)~~

Sec. 18. [NRS 482.170 is hereby amended to read as follows:

~~482.170 Except as otherwise provided in NRS 239.0115, 481.063, 483.651, 483.655, 483.657 and 485.316 [,] and section 8 of this act, all personal information in the records of registration and licensing in the offices of the Department is confidential and must not knowingly be disclosed by the Department.] (Deleted by amendment.)~~

Sec. 19. [NRS 482.175 is hereby amended to read as follows:

~~482.175 The Department and the officers and deputies thereof [and], authorized third parties and registered dealers shall examine, and to the best of their ability determine the genuineness and regularity of, every registration and transfer of registration of a vehicle as provided in this chapter, in order that every certificate issued for a vehicle must contain true statements of the ownership thereof, and to prevent the registration of a vehicle by any person not entitled thereto. The Department, an authorized third party or a registered dealer may require any applicant to furnish such information in addition to that contained in the application as may be necessary to satisfy the Department of the truth and regularity of the application.] (Deleted by amendment.)~~

Sec. 20. ~~[NRS 482.205 is hereby amended to read as follows:~~

~~482.205 Except as otherwise provided in this chapter and NRS 706.188, every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State shall, before the motor vehicle, trailer or semitrailer can be operated, apply to the Department, *an authorized third party* or a registered dealer for and obtain the registration thereof.] (Deleted by amendment.)~~

Sec. 21. ~~[NRS 482.206 is hereby amended to read as follows:~~

~~482.206 1. Except as otherwise provided in this section and NRS 482.2065, every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 or a moped registered pursuant to NRS 482.2155, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.~~

~~2. Except as otherwise provided in subsections 7 and 8 and NRS 482.2065, every vehicle registered by an agent of the Department, *an authorized third party* or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.~~

~~3. Except as otherwise provided in subsection 7 and NRS 482.2065, a vehicle which must be registered through the Motor Carrier Division of the Department, or a motor vehicle which has a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.~~

~~4. Upon the application of the owner of a fleet of vehicles, the Director may permit the owner to register the fleet on the basis of a calendar year.~~

~~5. Except as otherwise provided in subsections 3, 6, 7 and 8, when the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:~~

~~(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or~~

~~(b) The day after the transfer in all other cases;~~

~~and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.~~

~~6. When the registration of any trailer that is registered for a 3-year period pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3 consecutive years beginning:~~

~~(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or~~

~~— (b) The day after the transfer in all other cases, and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.~~

~~— 7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date on which the owner of the full trailer or semitrailer:~~

~~— (a) Transfers the ownership of the full trailer or semitrailer; or~~
~~— (b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department [.] **or an authorized third party.**~~

~~— 8. A moped that is registered pursuant to NRS 482.2155 is registered until the date on which the owner of the moped:~~

~~— (a) Transfers the ownership of the moped; or~~
~~— (b) Cancels the registration of the moped and surrenders the license plate to the Department [.] **or an authorized third party.** (Deleted by amendment.)~~

Sec. 22. [NRS 482.215 is hereby amended to read as follows:

~~— 482.215 1. Except as otherwise provided in NRS 482.2155, all applications for registration, except applications for renewal of registration, must be made as provided in this section.~~

~~— 2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department, **to an authorized third party** or to a registered dealer.~~

~~— 3. Each application must be made upon the appropriate form furnished by the Department and contain:~~

~~— (a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.~~

~~— (b) The owner's residential address.~~

~~— (c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.~~

~~— (d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.~~

~~— (e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:~~

~~— (1) Proof satisfactory to the Department, **authorized third party** or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and~~

~~—(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.204, the applicant is not required to sign the declaration required by this subparagraph.~~

~~—(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:~~

~~—(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;~~

~~—(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle or the registered owner of the vehicle; or~~

~~—(3) In another form satisfactory to the Department, including, without limitation, an electronic format authorized by NRS 690B.023.~~

~~→ The Department may file that evidence, return it to the applicant or otherwise dispose of it.~~

~~—(g) If required, evidence of the applicant's compliance with controls over emission.~~

~~—(h) If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registered for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (e). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.~~

~~—4. The application must contain such other information as is required by the Department, *authorized third party* or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.~~

~~—5. For purposes of the evidence required by paragraph (f) of subsection 3:~~

~~—(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.~~

~~—(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.~~

~~—(e) A person who qualifies as a self insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self insurance.~~

~~—(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file or provide electronic evidence of that insurance. (Deleted by amendment.)~~

~~Sec. 23. [NRS 482.2155 is hereby amended to read as follows:~~

~~482.2155 1. The owner of a moped shall, before the moped may be operated upon any highway in this State, apply to the Department *or an authorized third party* for and obtain registration thereof. The application must be made upon the appropriate form as prescribed by the Department.~~

~~—2. An application for the registration of a moped pursuant to this section must include:~~

~~—(a) The signature and residential address of the owner of the moped.~~

~~—(b) The owner's declaration of the county where he or she intends the moped to be based, unless the moped is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.~~

~~—(c) A brief description of the moped to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and, upon the registration of a new moped, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the moped.~~

~~—(d) Proof of ownership satisfactory to the Department [.] *or an authorized third party.*~~

~~—3. An application for the registration of a moped pursuant to subsection 2 must be accompanied by:~~

~~—(a) The registration fee required pursuant to NRS 482.480.~~

~~—(b) The governmental services tax imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.~~

~~—(c) The fees for a license plate and an inspection required pursuant to this section.~~

~~—4. An applicant for the registration of a moped pursuant to this section who resides in a county where an office of the Department *or an authorized third party with a physical location* is located must, at an office of the Department *or the physical location of an authorized third party* in that county, allow the Department *or the authorized third party* to inspect the moped for verification that the moped meets the definition of "moped" as provided in NRS 482.069. The Department may by regulation establish a fee for such an inspection.~~

~~—5. An applicant for the registration of a moped pursuant to this section who resides in a county where no office of the Department *or authorized third party with a physical location* is located must allow the Department *or an authorized third party* to inspect the moped, as specified in subsection 4, at an office of the Department *or the physical location of an authorized third party* in another county or, in lieu of an inspection by the Department [.] *or an authorized third party*, allow a sheriff or deputy sheriff of the county in which~~

the applicant resides to inspect the moped for verification that the moped meets the definition of "moped" as provided in NRS 482.069. A sheriff or deputy sheriff shall, upon the request of the applicant, conduct such an inspection and transmit his or her determination, in writing, to the Department ~~or an authorized third party, as requested by the applicant,~~ and may collect the fee established by the Department pursuant to subsection 4 for such an inspection. ~~All fees collected pursuant to this subsection must be accounted for as provided in subsection 6 of NRS 248.275.~~

~~6. As soon as practicable after the Department [~~

~~(a) Receives] or authorized third party receives the application and fees required by this section, [; and~~

~~(b) Conducts the inspection required by subsection 4 or 5 or receives the alternative written determination from a sheriff or deputy sheriff that is authorized by subsection 5,~~

~~] the Department or authorized third party shall, if the inspection by the Department or an authorized third party or the written determination from a sheriff or deputy sheriff that is authorized by subsection 5 confirms that the moped meets the definition of "moped" as provided in NRS 482.069, issue a license plate and certificate of registration to the owner of the moped.~~

~~7. The fee for the issuance of a license plate pursuant to this section is \$5, which must be allocated to the Revolving Account for the Issuance of Special License Plates, created by NRS 482.1805, to defray the costs of manufacturing license plates pursuant to this section.~~

~~8. The registration issued pursuant to this section is not renewable or transferable, and a moped that is registered pursuant to this section is registered until the date on which the owner of the moped:~~

~~(a) Transfers the ownership of the moped; or~~

~~(b) Cancels the registration of the moped and surrenders the license plate to the Department [.] or an authorized third party.~~

~~9. The Department or an authorized third party may, upon proof of ownership satisfactory to it, issue a certificate of title before the registration of a moped pursuant to this section. A certificate of title issued pursuant to this subsection is valid until cancelled by the Department upon the transfer of interest therein.] (Deleted by amendment.)~~

Sec. 24. [NRS 482.225 is hereby amended to read as follows:

~~482.225 1. When application is made to the Department or an authorized third party for registration of a vehicle purchased outside this State and not previously registered within this State where the registrant or owner at the time of purchase was not a resident of or employed in this State, the Department, [or] its agent or the authorized third party shall determine and collect any sales or use tax due and shall remit the tax to the Department of Taxation except as otherwise provided in NRS 482.260.~~

~~2. If the registrant or owner of the vehicle was a resident of the State, or employed within the State, at the time of the purchase of that vehicle, it is presumed that the vehicle was purchased for use within the State and the~~

representative or agent of the Department of Taxation shall collect the tax and remit it to the Department of Taxation.

~~3. Until all applicable taxes and fees are collected, the Department *or an authorized third party* shall refuse to register the vehicle.~~

~~4. In any county whose population is less than 55,000, the Department shall designate the county assessor as the agent of the Department for the collection of any sales or use tax.~~

~~5. If the registrant or owner desires to refute the presumption stated in subsection 2 that he or she purchased the vehicle for use in this State, the registrant or owner must pay the tax to the Department *or authorized third party* and then may submit a claim for exemption in writing, signed by the registrant or owner or his or her authorized representative, to the Department together with a claim for refund of tax erroneously or illegally collected.~~

~~6. If the Department finds that the tax has been erroneously or illegally collected, the tax must be refunded. (Deleted by amendment.)~~

Sec. 25. [NRS 482.230 is hereby amended to read as follows:

~~482.230 The Department, *an authorized third party* or a registered dealer shall not grant an application for the registration of a vehicle in any of the following events:~~

~~1. When the applicant therefor is not entitled thereto pursuant to the provisions of this chapter.~~

~~2. When the applicant has neglected or refused to furnish the Department, *authorized third party* or registered dealer with the information required in the appropriate official form or reasonable additional information required by the Department, *authorized third party* or registered dealer.~~

~~3. When the fees required therefor by law have not been paid.~~

~~4. When the applicant for the registration of a commercial motor vehicle with a gross vehicle weight rating, a combined gross vehicle weight rating, a gross vehicle weight or a combined gross vehicle weight in excess of 26,000 pounds and which is intended to operate in intrastate commerce is a motor carrier who:~~

~~(a) Has not complied with NRS 482.2912; or~~

~~(b) Is subject to an out-of-service order. (Deleted by amendment.)~~

Sec. 26. [NRS 482.231 is hereby amended to read as follows:

~~482.231 1. Except as otherwise provided in subsection 3, the Department *or an authorized third party* shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:~~

~~(a) Was cited by a constable pursuant to subsection 6 of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and~~

~~(b) After the imposition of punishment pursuant to NRS 482.385, has failed to pay the fee charged by the constable pursuant to subsection 6 of NRS 258.070.~~

~~2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.~~

~~3. The Department *or authorized third party* may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:~~

~~(a) The Department *or authorized third party* receives:~~

~~(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or~~

~~(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and~~

~~(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle. (Deleted by amendment.)~~

Sec. 27. ~~[NRS 482.235 is hereby amended to read as follows:~~

~~482.235 1. The Department shall file each application received and register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:~~

~~(a) Under a distinctive registration number assigned to the vehicle and to the owner thereof, referred to in this chapter as the registration number.~~

~~(b) Alphabetically under the name of the owner.~~

~~(c) Numerically under the serial or vehicle identification number of the vehicle or a permanent identifying number, as may be determined by the Department.~~

~~2. A registered dealer *or authorized third party* who registers a vehicle shall assign a registration number for that vehicle according to a list of registration numbers issued by the Department for use by that dealer ~~[.] *or authorized third party.*~~ (Deleted by amendment.)~~

Sec. 28. ~~[NRS 482.240 is hereby amended to read as follows:~~

~~482.240 1. Upon the registration of a vehicle, the Department, *an authorized third party* or a registered dealer shall issue a certificate of registration to the owner.~~

~~2. When an applicant for registration or transfer of registration is unable, for any reason, to submit to the Department *or an authorized third party* in support of the application for registration, or transfer of registration, such documentary evidence of legal ownership as, in the opinion of the Department ~~[.] *or authorized third party*~~ is sufficient to establish the legal ownership of the vehicle concerned in the application for registration or transfer of registration, the Department *or authorized third party* may issue to the applicant only a certificate of registration.~~

~~3. The Department may, upon proof of ownership satisfactory to it or pursuant to NRS 482.2605, issue a certificate of title before the registration of the vehicle concerned. The certificate of registration issued pursuant to this chapter is valid only during the registration period or calendar year for which it is issued, and a certificate of title is valid until cancelled by the Department *or authorized third party* upon the transfer of interest therein. (Deleted by amendment.)~~

Sec. 29. ~~[NRS 482.245 is hereby amended to read as follows:~~

~~482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department ~~[.] or an authorized third party.~~~~

~~2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department ~~or an authorized third party~~ by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department ~~[.] or an authorized third party.~~ The reverse side of the certificate of title must contain forms for notice to the Department ~~or an authorized third party~~ of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department ~~or an authorized third party~~ knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.] (Deleted by amendment.)~~

Sec. 30. ~~[NRS 482.247 is hereby amended to read as follows:~~

~~482.247 1. The owner or joint owners of a motor vehicle, trailer or semitrailer may request the Department ~~or an authorized third party~~ to issue a certificate of title in beneficiary form for the motor vehicle, trailer or semitrailer, as applicable, which includes a directive to the Department to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.~~

~~2. A request made pursuant to subsection 1 must be submitted on an application made available by the Department ~~or an authorized third party~~ and accompanied by the fee for the issuance of a certificate of title.~~

~~3. A certificate of title in beneficiary form may not be issued to a person who holds an interest in a motor vehicle, trailer or semitrailer as a tenant in common with another person.~~

~~4. A certificate of title in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.~~

~~5. During the lifetime of a sole owner or before the death of the last surviving joint owner:~~

~~(a) The signature or consent of the beneficiary is not required for any transaction relating to a motor vehicle, trailer or semitrailer for which a certificate of title in beneficiary form has been issued; and~~

~~(b) The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:~~

~~(1) Sale of the motor vehicle, trailer or semitrailer with proper assignment and delivery of the certificate of title to another person; or~~

~~(2) Filing an application with, and paying a fee to, the Department *or an authorized third party* to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.~~

~~6. The interest of the beneficiary in a motor vehicle, trailer or semitrailer on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motor vehicle, trailer or semitrailer were subject during their lifetime.~~

~~7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.~~

~~8. The Department *or authorized third party* shall, upon:~~

~~(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;~~

~~(b) Surrender of the outstanding certificate of title in beneficiary form; and~~

~~(c) Application and payment of the fee for a certificate of title,~~

~~to issue a new certificate of title for the motor vehicle, trailer or semitrailer to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.~~

~~9. For the purposes of complying with the provisions of subsection 8, the Department *or authorized third party* may rely on a death certificate, record or report that constitutes prima facie evidence of death.~~

~~10. The transfer on death of a motor vehicle, trailer or semitrailer pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.~~

~~11. As used in this section:~~

~~(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motor vehicle, trailer or semitrailer on the death of the preceding owner or owners.~~

~~(b) "Certificate of title in beneficiary form" means a certificate of title of a motor vehicle, trailer or semitrailer that indicates the present owner or owners of the motor vehicle, trailer or semitrailer and designates a beneficiary.]~~

(Deleted by amendment.)

Sec. 31. ~~[NRS 482.260 is hereby amended to read as follows:~~

~~482.260 1. When registering a vehicle, the Department and its agents, *an authorized third party* or a registered dealer shall:~~

~~(a) Collect the fees for license plates and registration as provided for in this chapter.~~

~~(b) Collect the governmental services tax on the vehicle, as agent for the State and for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.~~

~~(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.~~

~~(d) Issue a certificate of registration.~~

~~(e) If the registration is performed by the Department [,] *or an authorized third party*, issue the regular license plate or plates.~~

~~(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to the owner.~~

~~2. Upon proof of ownership satisfactory to the Director or as otherwise provided in NRS 482.2605, the Director shall cause to be issued a certificate of title as provided in this chapter.~~

~~3. Except as otherwise provided in NRS 371.070 and subsections 6, 7 and 8, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.~~

~~4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.~~

~~5. A registered dealer *and an authorized third party* shall forward all fees and taxes collected for the registration of vehicles to the Department.~~

~~6. A trailer being registered pursuant to NRS 482.2065 must be taxed for the purposes of the governmental services tax for a 3-year period.~~

~~7. A full trailer or semitrailer being registered pursuant to subsection 3 of NRS 482.483 must be taxed for the purposes of the governmental services tax in the amount of \$86. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.~~

~~8. A moped being registered pursuant to NRS 482.2155 must be taxed for the purposes of the governmental services tax for only the 12-month period following the registration. The governmental services tax paid pursuant to this subsection is nontransferable and nonrefundable.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 482.265 is hereby amended to read as follows:~~

~~482.265 1. The Department *or authorized third party* shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle or moped and one license plate for all other vehicles required to be registered hereunder. Except as otherwise provided in NRS 482.2155, upon renewal of registration, the Department *or authorized third party* may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.~~

~~2. Except as otherwise provided in NRS 482.2065, 482.266, 482.2705, 482.274, 482.370 and 482.37091, every 8 years the Department shall reissue a license plate or plates at the time of renewal of each license plate or plates issued pursuant to this chapter. The Director may adopt regulations to provide procedures for such reissuance.~~

~~3. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.~~

~~4. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:~~

~~(a) The fee to be received by the Department for the initial issuance of the special license plate is \$35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;~~

~~(b) The fee to be received by the Department for the renewal of the special license plate is \$10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and~~

~~(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.~~

~~5. The provisions of subsection 4 do not apply to NRS 482.37901.]~~
(Deleted by amendment.)

Sec. 33. [NRS 482.2655 is hereby amended to read as follows:

~~482.2655 1. If, with respect to a motor vehicle that is required to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto, an authorized inspection station or authorized station tests the emissions from the motor vehicle and the motor vehicle fails the emissions test, the Department or *authorized third party* shall not issue a special license plate for that vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period of 90 days after the motor vehicle fails the emissions test.~~

~~2. As used in this section:~~

~~(a) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.~~

~~(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.~~

~~(c) "Fails the emissions test" means that a motor vehicle does not comply with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto.]~~ **(Deleted by amendment.)**

Sec. 34. [NRS 482.266 is hereby amended to read as follows:

~~482.266 1. A person who desires to have regular or personalized license plates that are substantially in the same color and form as license plates manufactured before January 1, 1982, must:~~

~~(a) Submit a written request for such license plates to the Department or *an authorized third party* in a manner and form prescribed by the Department; and~~

~~—(b) In addition to all other applicable registration fees, licensing fees and governmental services taxes, pay the manufacturing fee prescribed by the Department.~~

~~—A person requesting license plates pursuant to this section must comply with all requirements for registration and licensing pursuant to this chapter. A request for license plates pursuant to this section does not, by itself, constitute a request for special license plates pursuant to subsection 4 of NRS 482.265.~~

~~—2. After receiving a request and the full amount of the payment due for license plates requested pursuant to subsection 1, the Department shall manufacture the license plates using substantially the same process, dies and materials as were used to manufacture license plates before January 1, 1982. The Department *or the authorized third party* shall deliver license plates requested pursuant to this section to a person who requests such license plates within 180 days after acceptance of the written request or after receipt of payment therefor, whichever occurs last.~~

~~—3. The Department shall:~~

~~—(a) Prescribe, by regulation, a manner and form for submitting a written request pursuant to subsection 1. The form must include, without limitation, an indication of whether the requester desires to have the same letters and numbers on the license plates requested as are on the license plates that are registered to the requester at the time of the request.~~

~~—(b) Determine the cost of manufacturing a license plate pursuant to this section and prescribe a manufacturing fee, which must not exceed \$25, to defray the cost of manufacturing license plates pursuant to this section. The manufacturing fee must be:~~

~~—(1) Collected by the Department [;] *or an authorized third party*;~~

~~—(2) Deposited with the State Treasurer to the credit of the State Highway Fund; and~~

~~—(3) Allocated to the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805 to defray the costs of manufacturing license plates pursuant to this section.~~

~~—4. A person who requests license plates pursuant to this section may keep the license plates which are registered to him or her at the time of the request if the license plates requested contain the same letters and numbers as the license plates which are registered to the person at the time of the request.~~

~~—5. License plates issued pursuant to this section which were manufactured on or after January 1, 1982, and before June 30, 2015, are not subject to reissue pursuant to subsection 2 of NRS 482.265.] (Deleted by amendment.)~~

Sec. 35. [NRS 482.268 is hereby amended to read as follows:

~~—482.268 1. In addition to any other applicable fee, there must be paid to the Department *or an authorized third party* for each license plate issued for a motor vehicle, trailer or semitrailer, to defray the cost of producing the license plate:~~

~~—(a) A fee of 50 cents which must be deposited with the State Treasurer for credit to the Fund for Prison Industries; and~~

~~—(b) Such fee as may be determined by regulation of the Department, which must be deposited with the State Treasurer for credit to the License Plate Production Account.~~

~~—2. The License Plate Production Account is hereby created in the State Highway Fund. The Account is a continuing account without reversion. Interest and income earned on money in the Account must be credited to the Account. The money in the Account must be used only to defray the cost of producing license plates, as described in subsection 1.] **(Deleted by amendment.)**~~

~~Sec. 36. [NRS 482.270 is hereby amended to read as follows:~~

~~—482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.~~

~~—2. Except as otherwise provided in subsection 3, the Department *or an authorized third party* may, upon the payment of all applicable fees, issue redesigned motor vehicle license plates.~~

~~—3. The Department *or an authorized third party* shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.2155, 482.3747, 482.3763, 482.3783, 482.379 or 482.37901, without the approval of the person.~~

~~—4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.~~

~~—5. Every license plate must have displayed upon it:~~

~~—(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;~~

~~—(b) The name of this State, which may be abbreviated;~~

~~—(c) If issued for a calendar year, the year; and~~

~~—(d) If issued for a registration period other than a calendar year, the month and year the registration expires.~~

~~—6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:~~

~~—(a) The left hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is suggested pursuant to paragraph (g) of subsection 2 of that section; and~~

~~—(b) The remainder of the plate conforms to the requirements for lettering and design that are set forth in this section.] **(Deleted by amendment.)**~~

Sec. 37. ~~[NRS 482.271 is hereby amended to read as follows:~~

~~482.271 1. The Director shall order the preparation of decals which are adhesive strips treated to reflect light and designed to fit in the spaces reserved for the names of counties on vehicle license plates for passenger cars and trucks. Each decal must display the name of a county in prominent block lettering.~~

~~2. The decals described in subsection 1 may be purchased for display on license plates in the spaces reserved for them. They must be available for purchase upon request, in person or by mail, in every office of the Department or authorized third party where motor vehicle license plates may be purchased.~~

~~3. The fee for a decal is \$0.50, which must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the cost of manufacturing the decals.] (Deleted by amendment.)~~

Sec. 38. ~~[NRS 482.275 is hereby amended to read as follows:~~

~~482.275 1. The license plates for a motor vehicle other than a motorcycle, moped or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2, one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.~~

~~2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:~~

~~(a) One license plate must be attached to the motor vehicle in the rear, and~~

~~(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.~~

~~3. The provisions of subsection 2 do not relieve the Department or an authorized third party of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:~~

~~(a) Retain the other license plate; and~~

~~(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.~~

~~4. Every license plate must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such~~

plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

~~5. Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle. (Deleted by amendment.)~~

Sec. 39. ~~[NRS 482.280 is hereby amended to read as follows:~~

~~482.280 1. Except as otherwise provided in NRS 482.2155, the registration of every vehicle expires at midnight on the day specified on the receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration *with an authorized third party*, at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to *an authorized third party* or any agent or office of the Department.~~

~~2. A notification:~~

~~(a) Mailed or presented to the Department, *an authorized third party* or [to] a county assessor pursuant to the provisions of this section;~~

~~(b) Submitted to the Department pursuant to NRS 482.294; or~~

~~(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281;~~

~~must include, if required, evidence of compliance with standards for the control of emissions.~~

~~3. The Department shall include with each notification mailed pursuant to subsection 1:~~

~~(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260;~~

~~(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.~~

~~(c) A statement which informs the applicant:~~

~~(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and~~

~~—(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.~~

~~—(d) A statement which informs the applicant that, if the applicant renews a certificate of registration *with an authorized third party*, at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.~~

~~—(e) Any amount due for reissuance of a license plate or a plate reissued pursuant to subsection 2 of NRS 482.265, if applicable.~~

~~—4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of \$2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.~~

~~—5. Except as otherwise provided in NRS 482.2918, an owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 482.2805 is hereby amended to read as follows:~~

~~—482.2805 1. Except as otherwise provided in subsection 3, the Department of Motor Vehicles *or an authorized third party* shall not renew the registration of a motor vehicle if a local authority has filed with the Department of Motor Vehicles a notice of nonpayment pursuant to NRS 484B.527, or if the Department of Transportation or a private partner under a public-private partnership has filed a notice of nonpayment pursuant to section 42 of the Boulder City Bypass Toll Road Demonstration Project Act, unless, at the time for renewal of the registration, the registered owner of the motor vehicle provides to the Department of Motor Vehicles *or an authorized third party* a receipt issued by the local authority pursuant to NRS 482.2807, or a~~

receipt issued by the Department of Transportation or a private partner under a public private partnership.

~~— 2. — If the registered owner provides a receipt to the Department of Motor Vehicles or an authorized third party pursuant to subsection 1 and complies with the other requirements of this chapter, the Department of Motor Vehicles or authorized third party shall renew the registration of the motor vehicle.~~

~~— 3. — The Department of Motor Vehicles shall renew the registration of a motor vehicle owned by a short term lessor for which the Department of Motor Vehicles has received a notice of nonpayment pursuant to NRS 484B.527 or section 42 of the Boulder City Bypass Toll Road Demonstration Project Act without requiring the short term lessor to provide a receipt pursuant to subsection 1 if the short term lessor submits to the Department of Motor Vehicles a certificate issued by a local authority, the Department of Transportation or a private partner under a public private partnership pursuant to subsection 4.~~

~~— 4. — A local authority, the Department of Transportation or a private partner under a public private partnership shall, upon request, issue to a short term lessor a certificate which requires the Department of Motor Vehicles to renew the registration of a motor vehicle owned by the short term lessor without requiring the short term lessor to provide a receipt pursuant to subsection 1 if the short term lessor provides the local authority, the Department of Transportation or a private partner under a public private partnership with the name, address and number of the driver's license of the short term lessee who was leasing the vehicle at the time of the violation.~~

~~— 5. — Upon the request of the registered owner of a motor vehicle, the Department of Motor Vehicles shall provide a copy of the notice of nonpayment filed with the Department of Motor Vehicles by the local agency pursuant to NRS 484B.527 or the Department of Transportation or a private partner under a public private partnership pursuant to section 42 of the Boulder City Bypass Toll Road Demonstration Project Act.~~

~~— 6. — If the registration of a motor vehicle that is identified in a notice of nonpayment filed with the Department of Motor Vehicles by a local authority pursuant to NRS 484B.527 or the Department of Transportation or a private partner under a public private partnership pursuant to section 42 of the Boulder City Bypass Toll Road Demonstration Project Act is not renewed for two consecutive periods of registration, the Department of Motor Vehicles shall delete any records maintained by the Department of Motor Vehicles concerning that notice [.] **and direct each authorized third party to delete any such corresponding records.**~~

~~— 7. — The Department of Motor Vehicles may require a local authority to pay a fee for the creation, maintenance or revision of a record of the Department of Motor Vehicles concerning a notice of nonpayment filed with the Department of Motor Vehicles by the local authority pursuant to NRS 484B.527. The Department of Motor Vehicles may require the Department of Transportation or a private partner under a public private partnership to pay a~~

~~fee for the creation, maintenance or revision of a record of the Department of Motor Vehicles concerning a notice of nonpayment filed with the Department of Motor Vehicles by the Department of Transportation or a private partner under a public-private partnership pursuant to section 42 of the Boulder City Bypass Toll Road Demonstration Project Act. The Department of Motor Vehicles shall, by regulation, establish any fee required by this subsection. Any fees collected by the Department pursuant to this subsection must be:~~

~~—(a) Deposited with the State Treasurer for credit to the Motor Vehicle Fund; and~~

~~—(b) Allocated to the Department to defray the cost of carrying out the provisions of this section.} (Deleted by amendment.)~~

~~Sec. 41. [NRS 482.283 is hereby amended to read as follows:~~

~~482.283 Each holder of a valid registration, upon changing his or her name or place of residence, shall notify the Department *or an authorized third party* of the change within 30 days after the change and shall include in the notice both the old and new names and residence addresses.} (Deleted by amendment.)~~

~~Sec. 42. [NRS 482.285 is hereby amended to read as follows:~~

~~482.285 1. If any certificate of registration or certificate of title is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain a duplicate or substitute therefor upon furnishing information satisfactory to the Department *or an authorized third party* and upon payment of the required fees. An applicant who is unable to furnish information satisfactory to the Department *or authorized third party* that the applicant is entitled to a duplicate or substitute certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of NRS 482.2605.~~

~~2. If any license plate or plates or any decal is lost, mutilated or illegible, the person to whom it was issued shall immediately make application for and obtain:~~

~~—(a) A duplicate number plate or a substitute number plate;~~

~~—(b) A substitute decal; or~~

~~—(c) A combination of both (a) and (b);~~

~~as appropriate, upon furnishing information satisfactory to the Department *or an authorized third party* and payment of the fees required by NRS 482.500.~~

~~3. If any license plate or plates or any decal is stolen, the person to whom it was issued shall immediately make application for and obtain:~~

~~—(a) A substitute number plate;~~

~~—(b) A substitute decal; or~~

~~—(c) A combination of both (a) and (b);~~

~~as appropriate, upon furnishing information satisfactory to the Department *or an authorized third party* and payment of the fees required by NRS 482.500.~~

~~4. The Department *or an authorized third party* shall issue duplicate number plates or substitute number plates and, if applicable, a substitute decal, if the applicant:~~

~~(a) Returns the mutilated or illegible plates to the Department *or an authorized third party* or signs a declaration that the plates were lost, mutilated or illegible; and~~

~~(b) Complies with the provisions of subsection 6.~~

~~5. The Department *or an authorized third party* shall issue substitute number plates and, if applicable, a substitute decal, if the applicant:~~

~~(a) Signs a declaration that the plates were stolen; and~~

~~(b) Complies with the provisions of subsection 6.~~

~~6. Except as otherwise provided in this subsection, an applicant who desires duplicate number plates or substitute number plates must make application for renewal of registration. Except as otherwise provided in subsection 7 or 8 of NRS 482.260, credit must be allowed for the portion of the registration fee and governmental services tax attributable to the remainder of the current registration period. In lieu of making application for renewal of registration, an applicant may elect to make application solely for:~~

~~(a) Duplicate number plates or substitute number plates, and a substitute decal, if the previous license plates were lost, mutilated or illegible; or~~

~~(b) Substitute number plates and a substitute decal, if the previous license plates were stolen.~~

~~7. An applicant who makes the election described in subsection 6 retains the current date of expiration for the registration of the applicable vehicle and is not, as a prerequisite to receiving duplicate number plates or substitute number plates or a substitute decal, required to:~~

~~(a) Submit evidence of compliance with controls over emission; or~~

~~(b) Pay the registration fee and governmental services tax attributable to a full period of registration.] (Deleted by amendment.)~~

~~Sec. 43. [NRS 482.293 is hereby amended to read as follows:~~

~~482.293 1. The Department may establish a program for the electronic submission and storage of documents.~~

~~2. If the Department establishes a program pursuant to subsection 1:~~

~~(a) An electronic submission or storage of documents that is carried out pursuant to the program with respect to a particular transaction is not valid unless all original documents required for the transaction pursuant to:~~

~~(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and~~

~~(2) The provisions of any regulations adopted pursuant thereto,~~

~~have been executed and submitted to the Department.~~

~~(b) The Department shall allow only the following persons to apply for participation in the program:~~

~~(1) Financial institutions, new vehicle dealers and used vehicle dealers, for the purpose of submitting documents by electronic means to the Department on behalf of their customers.~~

~~(2) Owners of fleets composed of 10 or more vehicles.~~

~~— (3) Authorized third parties.~~

~~— (e) The Department shall adopt regulations to carry out the program.~~

~~— 3. The regulations required to be adopted pursuant to paragraph (e) of subsection 2 must include, without limitation:~~

~~— (a) The type of electronic transmission that the Department will accept for the program;~~

~~— (b) The process for submission of an application by a person who desires to participate in the program and the fee, if any, that must accompany the application for participation;~~

~~— (c) The criteria that will be applied by the Department in determining whether to approve an application to participate in the program;~~

~~— (d) The standards for ensuring the security and integrity of the process for issuance and renewal of a certificate of registration and a certificate of title, including, without limitation, the procedure for a financial and performance audit of the program;~~

~~— (e) The terms and conditions for participation in the program and any restrictions on the participation;~~

~~— (f) The contents of a written agreement that must be on file with the Department before a participant may submit a document by electronic means to the Department. Such written agreement must include, without limitation:~~

~~— (1) An assurance that each document submitted by electronic means contains all the information that is necessary to complete the transaction for which the document is submitted;~~

~~— (2) Certification that all the information contained in each document that is submitted by electronic means is truthful and accurate;~~

~~— (3) An assurance that the participant who submits a document by electronic means will maintain all information and records that are necessary to support the document; and~~

~~— (4) The signature of the participant who files the written agreement with the Department;~~

~~— (g) The conditions under which the Department may revoke the approval of a person to participate in the program, including, without limitation, failure to comply with this section and NRS 482.294 and the regulations adopted pursuant thereto;~~

~~— (h) The method by which the Department will store documents that are submitted to it by electronic means;~~

~~— (i) The required technology that is necessary to carry out the program.~~

~~— (j) Any other regulations that the Department determines necessary to carry out the program;~~

~~— (k) Procedures to ensure compliance with:~~

~~— (1) The provisions of 49 U.S.C. §§ 32701 et seq.; and~~

~~— (2) The provisions of any regulations adopted pursuant thereto;~~

~~— to the extent that such provisions relate to the submission and retention of documents used for the transfer of the ownership of vehicles.~~

~~4. The Department may accept gifts and grants from any source, including, without limitation, donations of materials, equipment and labor, for the establishment and maintenance of a program pursuant to this section.}~~
(Deleted by amendment.)

Sec. 44. ~~{NRS 482.294 is hereby amended to read as follows:~~

~~482.294 1. If the Department approves an application for a person to participate in a program established pursuant to NRS 482.293, that participant may submit, by electronic means, a document that is required to be submitted pursuant to this chapter for the issuance or renewal of a certificate of registration or a certificate of title.~~

~~2. If the signature of a natural person is required pursuant to this chapter on a document that is submitted by electronic means, the Department may waive that requirement.~~

~~(a) In the case of a participant who is *an authorized third party*, a financial institution, new vehicle dealer or used vehicle dealer, if the participant who submitted the document on behalf of that person complies with all requirements of this program.~~

~~(b) In the case of a participant who is an owner of a fleet composed of 10 or more vehicles, if the participant complies with all requirements of this program.~~

~~3. Notwithstanding any other provision of law to the contrary, a document that is submitted by electronic means pursuant to subsection 1, if accepted by the Department, shall be deemed an original document in administrative proceedings, quasi-judicial proceedings and judicial proceedings.}~~ **(Deleted by amendment.)**

Sec. 45. ~~{NRS 482.385 is hereby amended to read as follows:~~

~~482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390 and 482.3961, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:~~

~~(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and~~

~~(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:~~

~~(1) On active duty in the military service of the United States;~~

~~(2) An out-of-state student;~~

~~(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to~~

participate in a work study program for which the student earns academic credits from the college or university; or

~~— (4) A migrant or seasonal farm worker.~~

~~— 2. This section does not:~~

~~— (a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.~~

~~— (b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.~~

~~— (c) Require registration of a vehicle operated by a border state employee.~~

~~— 3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:~~

~~— (a) Within 30 days after becoming a resident; or~~

~~— (b) At the time he or she obtains a driver's license,~~

~~— whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.~~

~~— 4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall [, at least once each month,] provide a copy of that list or record to [the].~~

~~— (a) Every authorized third party at least once each day; and~~

~~— (b) The Department of Public Safety [,] at least once each month.~~

~~— 5. Except as otherwise provided in this subsection and NRS 482.3961, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:~~

~~— (a) On active duty in the military service of the United States;~~

~~— (b) An out of state student;~~

~~— (c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work study program for which the student earns academic credits from the college or university; or~~

~~— (d) A migrant or seasonal farm worker.~~

~~6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.~~

~~7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.~~

~~8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:~~

~~(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and~~

~~(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.~~

~~9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department *or an authorized third party* for registration, except as otherwise provided in NRS 482.390, 482.395, 482.396 and 706.801 to 706.861, inclusive.~~

~~10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department *or authorized third party* for cancellation.~~

~~11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:~~

~~(a) The owner of the vehicle is a resident of this State;~~

~~(b) The vehicle is used in this State for a gainful purpose;~~

~~(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or~~

~~(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.~~

~~12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.~~

~~13. As used in this section, "peace officer" includes a constable.} (Deleted by amendment.)~~

~~Sec. 46. NRS 482.396 is hereby amended to read as follows:~~

~~482.396 1. A person who is not a dealer, manufacturer or rebuilder may apply to the Department *or an authorized third party* for a permit to operate a vehicle which:~~

~~— (a) Is not subject to the provisions of NRS 482.390, 482.395 and 706.801 to 706.861, inclusive; and~~

~~— (b) Is not currently registered in this State, another state or a foreign country, or has been purchased by the applicant from a person who is not a dealer.~~

~~— 2. The Department shall adopt regulations imposing a fee for the issuance of the permit.~~

~~— 3. Each permit must:~~

~~— (a) Bear the date of expiration in numerals of sufficient size to be plainly readable from a reasonable distance during daylight;~~

~~— (b) Expire at 5 p.m. not more than 60 days after its date of issuance;~~

~~— (c) Be affixed to the vehicle in the manner prescribed by the Department; and~~

~~— (d) Be removed and destroyed upon its expiration or the issuance of a new permit or a certificate of registration for the vehicle, whichever occurs first.~~

~~— 4. The Department *or an authorized third party* may authorize the issuance of more than one permit for the vehicle to be operated by the applicant. **(Deleted by amendment.)**~~

Sec. 47. ~~[NRS 482.399 is hereby amended to read as follows:~~

~~— 482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.~~

~~— 2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department, *to an authorized third party* or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.~~

~~— 3. In computing the governmental services tax, the Department, its agent, ~~for~~ the registered dealer *or the authorized third party, as applicable*, shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department, ~~for~~ the registered dealer~~

~~or the authorized third party, as applicable, shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.~~

~~4. In computing the registration fee, the Department or its agent, [or] the registered dealer or the authorized third party, as applicable, shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.~~

~~5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.~~

~~6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department, [or] registered dealer or authorized third party and an appropriate plate or plates must be issued by the Department [.] or the authorized third party. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.~~

~~7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.~~

~~8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department or an authorized third party the license plates for a vehicle, the Department shall:~~

~~(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or~~

~~(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration~~

period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

~~9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:~~

~~(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.~~

~~(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.~~

~~(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.~~

~~(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.} (Deleted by amendment.)~~

Sec. 48. ~~[NRS 482.410 is hereby amended to read as follows:~~

~~482.410 The transferee of a vehicle shall apply for a certificate of registration and pay the governmental services tax to the deputy registrar of motor vehicles in any county of this State [;] *or to an authorized third party* in the manner provided in this chapter for an original registration.} (Deleted by amendment.)~~

Sec. 49. ~~[NRS 482.426 is hereby amended to read as follows:~~

~~482.426 When a used or rebuilt vehicle is sold in this State by a person who is not a dealer or rebuilder, the seller or buyer or both of them shall, within 10 days after the sale:~~

~~1. Submit to the Department [;] *or an authorized third party*:~~

~~(a) If a certificate of title has been issued in this State, the certificate properly endorsed;~~

~~(b) If a certificate of title or other document of title has been issued by a public authority of another state, territory or country:~~

~~(1) The certificate or document properly endorsed; and~~

~~(2) A statement containing, if not included in the endorsed certificate or document, the description of the vehicle, including whether it is a rebuilt vehicle, the names and addresses of the buyer and seller, and the name and address of any person who takes or retains a purchase money security interest. Any such statement must be signed and acknowledged by the seller and the buyer.~~

~~(c) If no document of title has been issued by any public authority, a statement containing all the information and signed and acknowledged in the manner required by subparagraph (2) of paragraph (b).~~

~~2. Remit to the Department *or the authorized third party* the fee set forth in NRS 482.429 for the processing of an endorsed certificate of title or statement submitted to the Department *or authorized third party* pursuant to this section.~~ **(Deleted by amendment.)**

Sec. 50. ~~[NRS 482.427 is hereby amended to read as follows:~~

~~482.427 1. Upon receipt of the documents required respectively by NRS 482.423, 482.424 and 482.426 to be submitted to it, and the payment of all required fees, the Department *or the authorized third party* shall issue a certificate of title.~~

~~2. If no security interest is created or exists in connection with the sale, the certificate of title must be issued to the buyer.~~

~~3. If a security interest is created by the sale, the certificate of title must be issued to the secured party or to his or her assignee.~~ **(Deleted by amendment.)**

Sec. 51. ~~[NRS 482.429 is hereby amended to read as follows:~~

~~482.429 1. For its services under this chapter, the Department shall adopt regulations specifying the amount of the fees which the Department *or an authorized third party* will charge and collect:~~

~~(a) For each certificate of title issued for a vehicle present or registered in this State.~~

~~(b) For each duplicate certificate of title issued.~~

~~(c) For each certificate of title issued for a vehicle not present in or registered in this State.~~

~~(d) For expedited processing of a certificate of title issued pursuant to paragraph (a), (b) or (c).~~

~~(e) For expedited mailing of a certificate of title issued pursuant to paragraph (a), (b) or (c), that does not include prepaid postage.~~

~~(f) For the processing of each dealer's or rebuilder's report of sale submitted to the Department.~~

~~(g) For the processing of each long-term lessor's report of lease submitted to the Department.~~

~~(h) For the processing of each endorsed certificate of title or statement submitted to the Department *or an authorized third party* upon the sale of a used or rebuilt vehicle in this State by a person who is not a dealer or rebuilder.~~

~~2. Any fee paid pursuant to paragraphs (d) and (e) of subsection 1 must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of processing and mailing certificates of title.~~ **(Deleted by amendment.)**

Sec. 52. ~~[NRS 484B.527 is hereby amended to read as follows:~~

~~484B.527 1. If the registered owner of a motor vehicle fails to pay any civil penalty or criminal fine or any other charge imposed against the registered owner for a violation of:~~

~~(a) The provisions of NRS 484B.440 to 484B.523, inclusive; or~~

~~— (b) An ordinance of a local authority authorized by chapters 484A to 484E, inclusive, of NRS which covers the same subject matter as the provisions of NRS 484B.440 to 484B.523, inclusive,~~

~~the local authority which imposed that penalty, fine or charge may file a notice of nonpayment with the Department.~~

~~— 2. The notice must include:~~

~~— (a) The time, place and date of each violation;~~

~~— (b) The number of the license plate of the vehicle and the make and model year of the vehicle;~~

~~— (c) The amount of the fine and any other charge imposed for each violation;~~

~~— (d) The total amount of money owed to the local authority for those violations; and~~

~~— (e) Any other information the Department may require.~~

~~— 3. The Department shall *forward to each authorized third party a list of vehicles and license plates for which a notice has been received by the Department pursuant to this section.*~~

~~— 4. *The Department shall* adopt regulations which prescribe the form for the notice of nonpayment and any information which must be included in that notice. **(Deleted by amendment.)**~~

Sec. 53. ~~{NRS 487.810 is hereby amended to read as follows:~~

~~— 487.810 — 1. The state agency *or an authorized third party* may issue a salvage title for a vehicle, which contains a brief description of the vehicle, including, insofar as data may exist with respect to the vehicle, the make, type, serial number and motor number, or any other number of the vehicle, upon application, to:~~

~~— (a) The owner of the vehicle;~~

~~— (b) The person to whom the vehicle is titled;~~

~~— (c) An insurance company that acquires the vehicle as a salvage vehicle pursuant to subsection 1 of NRS 487.800; or~~

~~— (d) A lienholder who acquires title to the vehicle.~~

~~— 2. A properly endorsed title, together with a disclosure of mileage, as required pursuant to the provisions of 49 U.S.C. §§ 32701 et seq. and 49 C.F.R. § 580.5, must be submitted with the application for salvage title.~~

~~— 3. Within 2 days after receiving all necessary documents, the state agency *or authorized third party* shall issue a salvage title for the vehicle.~~

~~— 4. Except as otherwise provided in this subsection, the state agency *or authorized third party* shall charge and collect a fee of \$10 for the issuance of a salvage title pursuant to this section. The state agency shall not charge a fee for the issuance of a salvage title to an automobile wrecker licensed in this State. Fees collected by the state agency pursuant to this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Issuance of Salvage Titles created by NRS 487.825.~~

~~— 5. Ownership interest in a salvage vehicle may not be transferred unless a salvage title has been issued by the state agency for the vehicle.~~

~~6. Possession of a salvage title does not entitle a person to dismantle, scrap, process or wreck any vehicle in this State unless the person holds a license issued pursuant to NRS 487.050.~~

~~7. The Department *or an authorized third party* shall not issue a salvage title for a nonrepairable vehicle. **(Deleted by amendment.)**~~

~~Sec. 54. [NRS 490.082 is hereby amended to read as follows:~~

~~490.082 1. An owner of an off highway vehicle that is acquired:~~

~~(a) Before July 1, 2011:~~

~~(1) May apply for, to the Department by mail or to an authorized dealer [.] *or an authorized third party* and obtain from the Department [.] *or an authorized third party* a certificate of title for the off highway vehicle.~~

~~(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer [.] *or an authorized third party* and obtain from the Department [.] *or an authorized third party* the registration of the off highway vehicle.~~

~~(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off highway vehicle:~~

~~(1) Apply for, to the Department by mail or to an authorized dealer [.] *or an authorized third party*, and obtain from the Department [.] *or authorized third party* a certificate of title for the off highway vehicle.~~

~~(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer [.] *or an authorized third party*, and obtain from the Department [.] *or authorized third party* the registration of the off highway vehicle pursuant to this section or NRS 490.0825.~~

~~2. If an owner of an off highway vehicle applies to the Department, [or to] an authorized dealer *or an authorized third party* for:~~

~~(a) A certificate of title for the off highway vehicle, the owner shall submit to the Department, [or to] the authorized dealer *or the authorized third party* proof prescribed by the Department that he or she is the owner of the off highway vehicle.~~

~~(b) Except as otherwise provided in NRS 490.0825, the registration of the off highway vehicle, the owner shall submit:~~

~~(1) If ownership of the off highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:~~

~~(I) That he or she is the owner of the off highway vehicle; and~~

~~(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0825 for the off highway vehicle; or~~

~~(2) If ownership of the off highway vehicle was obtained on or after July 1, 2011:~~

~~(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off highway vehicle; and~~

~~—(H) Proof prescribed by the Department that he or she is the owner of the off highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off highway vehicle.~~

~~—3. Registration of an off highway vehicle is not required if the off highway vehicle:~~

~~—(a) Is owned and operated by:~~

~~—(1) A federal agency;~~

~~—(2) An agency of this State; or~~

~~—(3) A county, incorporated city or unincorporated town in this State;~~

~~—(b) Is part of the inventory of a dealer of off highway vehicles and is affixed with a special plate provided to the off highway vehicle dealer pursuant to NRS 490.0827;~~

~~—(c) Is registered or certified in another state and is located in this State for not more than 15 days;~~

~~—(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off highway vehicle;~~

~~—(e) Is used for work conducted by or at the direction of a public or private utility;~~

~~—(f) Was manufactured before January 1, 1976;~~

~~—(g) Is operated solely in an organized race, festival or other event that is conducted:~~

~~—(1) Under the auspices of a sanctioning body; or~~

~~—(2) By permit issued by a governmental entity having jurisdiction;~~

~~—(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off highway vehicle, including when operated in an organized race, festival or other event;~~

~~—(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or~~

~~—(j) Has a displacement of not more than 70 cubic centimeters.~~

~~↳ As used in this subsection, “sanctioning body” means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.~~

~~—4. The registration of an off highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an off highway vehicle fails to renew the registration of the off highway vehicle before it expires, the registration may be reinstated upon the payment to the Department or an authorized third party of the annual renewal fee, a late fee of \$10 and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department or an authorized third party must be deposited with the State Treasurer for credit to the Revolving Account for the~~

~~Administration of Off Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer [.] *or an authorized third party*, for a duplicate certificate of title or registration. The Department *or an authorized third party* may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department *or an authorized third party* must be:~~

~~(a) Set forth by the Department by regulation; and
(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State. (Deleted by amendment.)~~

Sec. 55. [NRS 490.0825 is hereby amended to read as follows:

~~490.0825 1. Upon the request of an owner of a large all-terrain vehicle, the Department *or an authorized third party* shall register the large all-terrain vehicle to operate on the roads specified in NRS 490.105.~~

~~2. The owner of a large all-terrain vehicle wishing to apply for registration or renewal of registration pursuant to this section must obtain and maintain insurance on the vehicle that meets the requirements of NRS 485.185.~~

~~3. If an owner of a large all-terrain vehicle applies to the Department *or an authorized third party* for the registration of the vehicle pursuant to this section, the owner shall submit to the Department [.] *or authorized third party*:~~

~~(a) The information required for registration pursuant to NRS 490.082;~~

~~(b) The fee for registration required pursuant to NRS 490.084;~~

~~(c) Proof satisfactory to the Department *or the authorized third party* that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and~~

~~(d) A declaration signed by the applicant that he or she will maintain the insurance required by this section during the period of registration. (Deleted by amendment.)~~

Sec. 56. [NRS 108.365 is hereby amended to read as follows:

~~108.365 Any person is guilty of a gross misdemeanor who knowingly:~~

~~1. Makes or causes to be made a false entry on any affidavit of lien sale or on any lien sale registration certificate for a motor vehicle;~~

~~2. Makes or causes to be made a false entry on a certificate of title as to ownership or any security interest that may exist in a motor vehicle;~~

~~3. Fails to disclose any information which would indicate that a vehicle sold or offered for sale is or should be considered a salvage or nonrepairable vehicle; or~~

~~4. Falsifies or causes to be falsified an application or other document submitted to the Department of Motor Vehicles or an authorized third party, as defined in section 7 of this act, to obtain:~~

~~(a) A certificate of title or ownership; or~~

~~(b) A salvage title or a certificate which indicates that the vehicle is nonrepairable as defined in chapter 487 of NRS.] (Deleted by amendment.)~~

~~Sec. 57. [NRS 281.050 is hereby amended to read as follows:~~

~~281.050 1. The residence of a person with reference to his or her eligibility to any office is the person's actual residence within the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person.~~

~~2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.~~

~~3. If a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.~~

~~4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:~~

~~(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;~~

~~(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and~~

~~(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.~~

~~5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any pre-election action for declaratory judgment brought against a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.~~

~~— 6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.~~

~~— 7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:~~

~~— (a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.~~

~~— (b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.~~

~~— (c) Evidence of the person's legal domicile includes, without limitation:~~

~~— (1) The place where the person lives the majority of the time and the length of time the person has lived in that place.~~

~~— (2) The place where the person lives with the person's spouse or domestic partner, if any.~~

~~— (3) The place where the person lives with the person's children, dependents or relatives, if any.~~

~~— (4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.~~

~~— (5) The place where the person's dogs, cats or other pets, if any, live.~~

~~— (6) The place listed as the person's residential address on the voter registration card issued to the person pursuant to NRS 293.517.~~

~~— (7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.~~

~~— (8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or an authorized third party or any registration for another type of vehicle or~~

~~mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.~~

~~(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.~~

~~(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy or acceptance of candidacy.~~

~~(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self insured employer or third party administrator.~~

~~(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.~~

~~(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.~~

~~(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.~~

~~(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.~~

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

~~(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy or acceptance of candidacy for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.~~

~~(b) "Authorized third party" has the meaning ascribed to it in section 7 of this act.~~

~~(c) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS. (Deleted by amendment.)~~

~~Sec. 58. [NRS 371.020 is hereby amended to read as follows:~~

~~371.020 As used in this chapter, unless the context otherwise requires:~~

~~1. "Authorized third party" has the meaning ascribed to it in section 7 of this act.~~

~~2. "Department" means the Department of Motor Vehicles.~~

~~[2.] 3. "Vehicle" means any vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS, except mobile homes as defined in NRS 482.067.] (Deleted by amendment.)~~

Sec. 59. ~~[NRS 371.040 is hereby amended to read as follows:~~

~~371.040 1. Except as otherwise provided in subsections 2 and 3, the annual amount of the basic governmental services tax throughout the State is 4 cents on each \$1 of valuation of the vehicle as determined by the Department [.] or an authorized third party.~~

~~2. A full trailer or semitrailer registered pursuant to subsection 3 of NRS 482.483 is subject to the basic governmental services tax in the nonrefundable amount of \$86 each time such a full trailer or semitrailer is registered pursuant to subsection 3 of NRS 482.483.~~

~~3. The amount of the basic governmental services tax imposed on a moped registered pursuant to NRS 482.2155 is 4 cents on each \$1 of valuation of the moped as determined by the Department or an authorized third party at the time of registration.] (Deleted by amendment.)~~

Sec. 60. ~~[NRS 371.050 is hereby amended to read as follows:~~

~~371.050 1. Except as otherwise provided in subsections 3 and 4, valuation of vehicles must be determined by the Department or an authorized third party upon the basis of 35 percent of the manufacturer's suggested retail price in Nevada excluding options and extras, as of the time the particular make and model for that year is first offered for sale in Nevada.~~

~~2. If the Department or authorized third party is unable to determine the manufacturer's suggested retail price in Nevada with respect to any vehicle because the vehicle is specially constructed, or for any other reason, the Department or authorized third party shall determine the valuation upon the basis of 35 percent of the original retail price to the original purchaser of the vehicle as evidenced by such document or documents as the Department or the authorized third party may require.~~

~~3. For each:~~

~~(a) Bus, truck, truck tractor or combination of vehicles having a declared gross weight of 10,000 pounds or more; and~~

~~(b) Trailer or semitrailer having an unladen weight of 4,000 pounds or more;~~

~~the Department or authorized third party may use 85 percent of the original purchaser's cost price in lieu of the manufacturer's suggested retail price.~~

~~4. If the Department or authorized third party is unable to determine the original manufacturer's suggested retail price in Nevada, or the original retail price to the purchaser, the Department or authorized third party may determine the original value of the vehicle on the basis of 50 cents per pound.~~

~~5. For motor carriers which register pursuant to the provisions of the Interstate Highway User Fee Apportionment Act, the Department may~~

determine the original purchaser's cost price of the vehicle on the basis of its declared gross weight in a manner which the Department finds appropriate and equitable. ~~(Deleted by amendment.)~~

Sec. 61. ~~NRS 371.060 is hereby amended to read as follows:~~

~~371.060 1. Except as otherwise provided in subsection 2, subsection 2 of NRS 371.040 and NRS 482.2155, each vehicle must be depreciated by the Department or an authorized third party for the purposes of the annual governmental services tax according to the following schedule:~~

Age	Percentage of Initial Value
New	100 percent
1 year	95 percent
2 years	85 percent
3 years	75 percent
4 years	65 percent
5 years	55 percent
6 years	45 percent
7 years	35 percent
8 years	25 percent
9 years or more	15 percent

~~2. Except as otherwise provided in subsections 2 and 3 of NRS 371.040, each bus, truck or truck tractor having a declared gross weight of 10,000 pounds or more and each trailer or semitrailer having an unladen weight of 4,000 pounds or more must be depreciated by the Department or an authorized third party for the purposes of the annual governmental services tax according to the following schedule:~~

Age	Percentage of Initial Value
New	100 percent
1 year	85 percent
2 years	69 percent
3 years	57 percent
4 years	47 percent
5 years	38 percent
6 years	33 percent
7 years	30 percent
8 years	27 percent
9 years	25 percent
10 years or more	23 percent

~~3. Notwithstanding any other provision of this section, the minimum amount of the governmental services tax:~~

~~(a) On any trailer having an unladen weight of 1,000 pounds or less is \$2; and~~

~~(b) On any other vehicle is \$16.~~

~~4. For the purposes of this section, a vehicle shall be deemed a "new" vehicle if the vehicle has never been registered with the Department and has never been registered with the appropriate agency of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.] (Deleted by amendment.)~~

Sec. 62. ~~[NRS 371.101 is hereby amended to read as follows:~~

~~371.101 1. Vehicles registered by surviving spouses, not to exceed the amount of \$1,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but actual bona fide residents of this State, and must be filed in but one county in this State to the same family.~~

~~2. For the purpose of this section, vehicles in which the surviving spouse has any interest shall be deemed to belong entirely to that surviving spouse.~~

~~3. The person claiming the exemption shall file with the Department or an authorized third party in the county where the exemption is claimed an affidavit declaring his or her residency and that the exemption has been claimed in no other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.~~

~~4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.~~

~~5. Beginning with the 2005 2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.] (Deleted by amendment.)~~

Sec. 63. ~~[NRS 371.103 is hereby amended to read as follows:~~

~~371.103 1. Vehicles, to the extent of \$2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:~~

~~(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January~~

~~31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;~~

~~—(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;~~

~~—(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or~~

~~—(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty;~~

~~and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.~~

~~2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department *or an authorized third party* in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before an authorized employee of the Department or a notary public. If a veteran makes such a transfer:~~

~~—(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;~~

~~—(b) The veteran is not entitled to the exemption for the duration of the transfer;~~

~~—(c) The transfer expires upon the earlier of:~~

~~—(1) The termination of the marriage;~~

~~—(2) The death of the veteran; or~~

~~—(3) The revocation of the transfer by the veteran as described in paragraph (d); and~~

~~—(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department *or an authorized third party* in the county where the exemption is claimed an affidavit made before an authorized employee of the Department or a notary public.~~

~~3. For the purpose of this section, the first \$2,000 determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong to that person.~~

~~4. Except as otherwise provided in subsection 5, a person claiming the exemption shall file annually with the Department *or an authorized third party* in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county in this State. The affidavit must be~~

made before the county assessor or a notary public. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

~~—(a) The renewal of the exemption; and
—(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,~~

~~to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.~~

~~5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.~~

~~6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department *or an authorized third party* shall require proof of status of the veteran or, if a transfer has been made pursuant to subsection 2, proof of status of the veteran to whom the person claiming the exemption is married, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.~~

~~7. If any person files a false affidavit or produces false proof to the Department [,] *or an authorized third party*, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.~~

~~8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated. **(Deleted by amendment.)**~~

Sec. 64. [NRS 371.1035 is hereby amended to read as follows:

~~371.1035 1. Any person who qualifies for an exemption pursuant to NRS 371.103 or 371.104 may, in lieu of claiming the exemption:~~

~~(a) Pay to the Department *or an authorized third party* all or any portion of the amount by which the tax would be reduced if the person claimed the exemption; and~~

~~(b) Direct the Department to deposit that amount for credit to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145.~~

~~2. Any person who wishes to waive his or her exemption pursuant to this section shall designate the amount to be credited to a Gift Account on a form provided by the Department ~~or an authorized third party.~~~~

~~3. The Department shall deposit any money received pursuant to this section with the State Treasurer for credit to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145. The State Treasurer shall not accept more than a total of \$2,000,000 for credit to a Gift Account pursuant to this section and NRS 361.0905 during any fiscal year. **(Deleted by amendment.)**~~

Sec. 65. ~~[NRS 371.104 is hereby amended to read as follows:~~

~~371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:~~

~~(a) If he or she has a disability of 100 percent, the first \$20,000 of determined valuation.~~

~~(b) If he or she has a disability of 80 to 99 percent, inclusive, the first \$15,000 of determined valuation.~~

~~(c) If he or she has a disability of 60 to 79 percent, inclusive, the first \$10,000 of determined valuation.~~

~~2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department ~~or an authorized third party~~ in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before an authorized employee of the Department or a notary public. If a veteran makes such a transfer:~~

~~(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;~~

~~(b) The veteran is not entitled to the exemption for the duration of the transfer;~~

~~(c) The transfer expires upon the earlier of:~~

~~(1) The termination of the marriage;~~

~~(2) The death of the veteran; or~~

~~(3) The revocation of the transfer by the veteran as described in paragraph (d); and~~

~~(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department ~~or an authorized third party~~ in the county where the exemption is claimed an affidavit made before an authorized employee of the Department or a notary public.~~

~~3. For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong entirely to that person.~~

~~4. A person claiming the exemption shall file annually with the Department *or an authorized third party* in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county within this State. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:~~

~~(a) The renewal of the exemption; and~~

~~(b) The designation of any amount to be credited to the Gift Account for the Veterans Home in Southern Nevada or the Gift Account for the Veterans Home in Northern Nevada established pursuant to NRS 417.145,~~

~~to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.~~

~~5. Before allowing any exemption pursuant to the provisions of this section, the Department *or an authorized third party* shall require proof of the veteran's status, and for that purpose shall require production of:~~

~~(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service connected disability, which shows the percentage of that disability; and~~

~~(b) Any one of the following:~~

~~(1) An honorable discharge;~~

~~(2) A certificate of satisfactory service; or~~

~~(3) A certified copy of either of these documents.~~

~~6. A surviving spouse claiming an exemption pursuant to this section must file with the Department *or an authorized third party* in the county where the exemption is claimed an affidavit declaring that:~~

~~(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;~~

~~(b) The veteran with a disability was eligible for the exemption at the time of his or her death or, if not for a transfer of the exemption pursuant to subsection 2, would have been eligible for the exemption at the time of his or her death; and~~

~~(c) The surviving spouse has not remarried.~~

~~The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall, except as otherwise provided in this subsection, mail a form for renewal of the exemption to the person each year following a year in which the exemption~~

~~was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.~~

~~7. If a tax exemption is allowed under this section to a person who qualifies for the tax exemption:~~

~~(a) As a veteran or as the current spouse of a veteran who receives a transfer of an exemption pursuant to subsection 2, that person is not entitled to an exemption under NRS 371.103.~~

~~(b) Solely as the surviving spouse of a veteran with a permanent service-connected disability, the allowance of a tax exemption under this section does not affect the eligibility of that person for an exemption under NRS 371.103.~~

~~8. If any person makes a false affidavit or produces false proof to the Department [;] *or an authorized third party*, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.~~

~~9. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the consumer price inflation index from July 2003 to the July preceding the fiscal year for which the adjustment is calculated.~~

~~10. For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091. **(Deleted by amendment.)**~~

Sec. 66. ~~[NRS 371.106 is hereby amended to read as follows:~~

~~371.106 1. Whenever any vehicle ceases to be exempt from taxation under NRS 371.101, 371.102, 371.103 or 371.104 because the owner no longer meets the requirements for the exemption provided in those sections, its owner shall immediately notify the Department *or an authorized third party* of the fact.~~

~~2. If a person fails to notify the Department *or an authorized third party* as required by subsection 1 and as a result of such failure is allowed a tax exemption to which he or she is not entitled, there shall be added to and collected with the tax otherwise due a penalty equal to double the amount of the tax. If the person's failure is fraudulent and results in his or her receiving a tax exemption to which he or she is not entitled, the person is also guilty of a gross misdemeanor. **(Deleted by amendment.)**~~

Sec. 67. ~~[NRS 371.107 is hereby amended to read as follows:~~

~~371.107 The county assessor of each county whose population is 55,000 or more is designated as an agent to assist the Department in administering the exemptions provided in this chapter, and shall, after establishing the validity of an application for an exemption, issue a certificate for use by the~~

Department ~~or an authorized third party~~ to allow a claimant the appropriate exemption on his or her vehicle. ~~}] (Deleted by amendment.)~~

Sec. 68. ~~[NRS 371.120 is hereby amended to read as follows:~~

~~371.120 The Department ~~or an authorized third party~~ shall collect the governmental services tax and issue to each person who pays the tax a receipt that sufficiently identifies the vehicle upon which the tax is paid.}] (Deleted by amendment.)~~

Sec. 69. ~~[NRS 371.140 is hereby amended to read as follows:~~

~~371.140 1. Except as otherwise provided in subsection 3 and NRS 482.209 and 482.482, if the governmental services tax for a vehicle for the next period of registration is not paid before the expiration of the current period of registration for that vehicle, a penalty equal to 10 percent of the tax due, but not less than \$6, plus the amount of the delinquent tax, must be added to the governmental services tax due for the next period of registration, unless the vehicle has not been operated on the highways since the expiration of the prior registration. The Department may retain any penalty so collected. ~~If the payment is made to an authorized third party, the authorized third party must remit the penalty to the Department, and the Department may retain the penalty.~~~~

~~2. Evidence of the nonoperation of a vehicle must be made by an affidavit executed by a person having knowledge of the fact. The affidavit must accompany the application for renewal of registration.~~

~~3. The provisions of this section do not apply to vehicles registered pursuant to NRS 706.841.}] (Deleted by amendment.)~~

Sec. 70. ~~[NRS 371.150 is hereby amended to read as follows:~~

~~371.150 Upon receipt of an application for renewal of registration and an affidavit of nonoperation, the Department ~~or an authorized third party~~ shall collect the tax for the current registration year. No penalty shall be imposed if the Department ~~or the authorized third party~~ receives the application and affidavit within 30 days after the date of the first operation of the vehicle during the current registration year.}] (Deleted by amendment.)~~

Sec. 71. ~~[NRS 371.180 is hereby amended to read as follows:~~

~~371.180 If a transferee applies for a transfer of registration and it is determined by the Department ~~or an authorized third party~~ that penalties for the nonpayment of the governmental services tax accrued before the transfer of the vehicle, and that the transferee was not cognizant of the nonpayment of the governmental services tax for the current or prior years, and the whereabouts of the transferor or record owner are unknown, the Department ~~or authorized third party~~ may waive payment of the penalties upon payment of the governmental services taxes due.}] (Deleted by amendment.)~~

Sec. 72. ~~[NRS 371.220 is hereby amended to read as follows:~~

~~371.220 If the Department ~~or an authorized third party~~ erroneously collects any governmental services tax or penalty not required to be paid under the provisions of this chapter, the amount must be refunded to the person who~~

paid it upon application therefor within 3 years after the date of the payment.]
(Deleted by amendment.)

Sec. 73. ~~[NRS 371.230 is hereby amended to read as follows:
 371.230 Except as otherwise provided in NRS 371.1035, 482.180,
 482.181 and 482.182, money collected by the Department *or an authorized
 third party* for governmental services taxes and penalties pursuant to the
 provisions of this chapter must be deposited with the State Treasurer to the
 credit of the Motor Vehicle Fund.] (Deleted by amendment.)~~

Sec. 74. ~~[NRS 445B.815 is hereby amended to read as follows:
 445B.815 1. Except as otherwise provided in subsection 2, persons
 employed at branch offices of the Department of Motor Vehicles, [and] the
 offices of county assessors who are acting as agents of the Department in the
 collection of fees for registration *and authorized third parties* shall not
 register:~~

~~(a) A passenger car or light-duty motor vehicle which:
 (1) Uses motor vehicle fuel or special fuel;
 (2) Is based in a county whose population is 100,000 or more; and
 (3) Requires inspection pursuant to the regulations adopted by the
 Commission under NRS 445B.770;~~

~~(b) A heavy-duty motor vehicle having a manufacturer's gross vehicle
 weight rating which does not exceed 14,000 pounds, that:
 (1) Uses diesel fuel;
 (2) Is based in a county whose population is 100,000 or more; and
 (3) Requires inspection pursuant to the regulations adopted by the
 Commission under NRS 445B.770;~~

~~(c) A heavy-duty motor vehicle that:
 (1) Uses motor vehicle fuel or special fuel, excluding diesel fuel;
 (2) Is based in a county whose population is 100,000 or more; and
 (3) Requires inspection pursuant to the regulations adopted by the
 Commission under NRS 445B.770; or~~

~~(d) A vehicle which:
 (1) Is based in an area of this State designated by the Commission; and
 (2) Requires inspection pursuant to the regulations adopted by the
 Commission under NRS 445B.770,~~

~~* until evidence of compliance with NRS 445B.700 to 445B.845, inclusive,
 has been provided.~~

~~2. An owner or lessee of a fleet of three or more vehicles may, upon
 application to the Department of Motor Vehicles, submit evidence of
 compliance for those motor vehicles in a manner determined by that
 Department.~~

~~3. As used in this section, "*authorized third party*" has the meaning
 ascribed to it in section 7 of this act.] (Deleted by amendment.)~~

Sec. 75. ~~[NRS 445B.830 is hereby amended to read as follows:
 445B.830 1. In areas of the State where and when a program is
 commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following~~

fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

- ~~—(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized station or fleet station \$25~~
- ~~—(b) For each set of 25 forms certifying emission control compliance \$150~~
- ~~—(c) For each form issued to a fleet station 6~~

~~2. Except as otherwise provided in subsection 6, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:~~

- ~~—(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.~~
- ~~—(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.~~
- ~~—(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.~~
- ~~—(d) Local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.~~
- ~~—(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.~~

~~3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.~~

~~4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local air pollution control agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one sixth of the amount received for each form issued in the county pursuant to subsection 1.~~

~~5. Each local air pollution control agency that receives money pursuant to subsections 4 and 6 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.~~

~~6. The Department of Motor Vehicles shall make annual distributions of excess money in the Pollution Control Account to local air pollution control~~

~~agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1. As used in this subsection, “excess money” means the money in excess of \$1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.~~

~~7. The Department of Motor Vehicles shall provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:~~

~~(a) Establish goals and objectives for the program for control of emissions from motor vehicles;~~

~~(b) Identify areas where funding should be made available; and~~

~~(c) Review and make recommendations concerning regulations adopted pursuant to NRS 445B.770.~~

~~8. *The State Department of Conservation and Natural Resources shall ensure that the forms available from the Department pursuant to subsection 1, including, without limitation, any digital or electronic versions of those forms, use the same terms regarding the make, model and features of a vehicle as any other forms of the Department used for the inspection of vehicles required by this chapter or required or authorized by title 43 of NRS.* (Deleted by amendment.)~~

Sec. 76. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. For the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) If the vehicle is being towed pursuant to subparagraph (1), (2) or (3) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state;

(3) If the registration of the vehicle:

(I) Has been expired for not less than 60 days, if the vehicle is owned or operated by a resident of the residential complex or does not meet the requirements of sub-subparagraph (II); or

(II) Is expired, if the owner of real property or authorized agent of the owner verifies that the vehicle is not owned or operated by a resident of the residential complex; or

(4) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex.

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. ***If towing is requested based on subparagraph (2) or (3) of paragraph (b) of subsection 2, the operator shall independently verify the registration status of the vehicle before towing the vehicle. If, upon accessing the Internet website of the Department for such verification the operator encounters a failure of the verification system or receives an error message, the operator shall be considered to have met the requirements of this subsection. The operator shall retain evidence of such verification, system failure or error message for not less than 1 year. An operator who fails to comply with this subsection is responsible for the cost of removal and storage of the vehicle.***

5. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) ~~Is~~ ***Except as otherwise provided in subsection 4, is*** responsible for the cost of removal and storage of the motor vehicle.

~~5.~~ **6.** The registered owner may rebut the presumption in subsection ~~4~~ 5 by showing that:

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if the registered owner submits evidence that, before the discovery of the vehicle, the registered owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

~~6.1~~ 7. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

~~Sec. 77. 1. The Legislative Auditor shall conduct an audit of the Department of Motor Vehicles which measures the accuracy of and the average time of completion for transactions related to the issuance of certificates of registration, certificates of title, license plates and permits authorized pursuant to NRS 482.396. The audit must include such measures for all methods by which such transactions are offered by the Department, including, without limitation, transactions conducted in person at an office of the Department or via a kiosk, the Internet website of the Department or an agent of the Department authorized pursuant to NRS 482.160.~~

~~2. The Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission not later than July 1, 2020. (Deleted by amendment.)~~

Sec. 78. 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 July 1, 2020, for all other purposes.

~~3. Section 11 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children;~~

~~are repealed by the Congress of the United States.~~

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. 290.

Bill read second time.

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

Amendment No. 500.

AN ACT relating to occupational safety; ~~requiring certain persons who successfully complete a course in construction industry safety and health hazard recognition to submit certain evidence thereof to the Division of Industrial Relations of the Department of Business and Industry;~~ requiring the Division **of Industrial Relations of the Department of Business and Industry** to establish registries to track trainers who provide courses in construction industry safety and health hazard recognition and persons who successfully complete such courses; revising provisions governing the duties of a trainer who provides courses in construction industry safety and health hazard recognition; revising provisions requiring certain employees on certain sites related to the entertainment industry to receive certain health and safety training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each construction worker and supervisory employee to obtain, within 15 days after the date he or she is hired, a completion card for taking a course in construction industry safety and health hazard recognition which is: (1) developed by the Occupational Safety and Health Administration of the United States Department of Labor; and (2) approved by the Division of Industrial Relations of the Department of Business and Industry. (NRS 618.983)

Section 5 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to establish registries to track: (1) construction workers, supervisory employees and other persons who have successfully completed certain courses in construction industry safety and health hazard recognition; and (2) persons who are authorized by the Occupational Safety and Health Administration of the United States Department of Labor as trainers to provide such courses. **Section 5** also **:(1) prohibits the costs of establishing the registry of construction workers, supervisory employees and other persons who have successfully completed the courses from being borne by those workers, employees and persons. ~~It~~ ; and (2) requires the registry of persons who have successfully completed OSHA-10 courses or OSHA-30 courses to be accessible via an Internet website to enable the public to verify a person's completion of such a course.**

Section 6 of this bill requires each trainer to: (1) register with the Division for tracking in its registry; and (2) report to the Division the name of each person who successfully completes a course in construction industry safety and health hazard recognition provided by the trainer.

Existing law requires each entertainment industry worker and supervisory employee to obtain, within 15 days after the date he or she is hired, a completion card for taking a course in general industry safety and health hazard recognition which is: (1) developed by the Occupational Safety and Health Administration of the United States Department of Labor; and (2) approved by the Division of Industrial Relations of the Department of Business and Industry. (NRS 618.9911) **Section 7** of this bill: (1) requires a worker to obtain a completion card within 15 days after the date he or she begins work on a site; and (2) exempts from this requirement a worker who is employed by a single employer for a period of less than 15 consecutive days.

~~[Section 1 of this bill requires a person who obtains a completion card for a course in construction industry safety and health hazard recognition that is conducted online or in another state to submit a copy of his or her completion card for that course to the Division for tracking in its registry.]~~

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

Section 1. ~~[Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—A person who obtains a completion card for an OSHA-10 course or OSHA 30 course that is conducted:~~

~~—1. Online by a provider of courses approved by the Division pursuant to subsection 1 of NRS 618.977; or~~

~~—2. In another state,~~

~~—shall, not later than 15 days after being hired as a construction worker or a supervisory employee or arriving in this State, whichever is later, submit a photocopy of the completion card to the Division for tracking in the registry established pursuant to paragraph (c) of subsection 2 of NRS 618.977.]~~

(Deleted by amendment.)

Sec. 2. ~~[NRS 618.950 is hereby amended to read as follows:~~

~~618.950 As used in NRS 618.950 to 618.990, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 618.953 to 618.967, inclusive, have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 618.970 is hereby amended to read as follows:~~

~~618.970 The provisions of NRS 618.950 to 618.990, inclusive, and section 1 of this act do not apply to:~~

~~—1. The Department of Transportation; or~~

~~—2. An employee of the Department of Transportation while performing his or her duties as an employee of the Department.] (Deleted by amendment.)~~

Sec. 4. ~~NRS 618.973 is hereby amended to read as follows:~~

~~618.973 The Division may adopt such regulations as are necessary to carry out the provisions of NRS 618.950 to 618.990, inclusive [], and section 1 of this act. (Deleted by amendment.)~~

Sec. 5. NRS 618.977 is hereby amended to read as follows:

618.977 1. The Division shall, by regulation, approve OSHA-10 courses and OSHA-30 courses for the purposes of fulfilling the requirements of NRS 618.983.

2. The Division shall establish ~~at~~ :

~~(a) A registry to track the providers of courses approved pursuant to subsection 1.~~

~~(b) A registry to track trainers, as defined in NRS 618.980; and~~

~~(c) (b) A registry to track construction workers, supervisory employees and other persons who have successfully completed OSHA-10 courses or OSHA-30 courses. The costs of establishing this registry must not be borne, directly or indirectly, by the construction workers, supervisory employees or other persons who are tracked in the registry.~~

3. The registry established pursuant to paragraph (b) of subsection 2 must be accessible via an Internet website to enable the public to verify whether a construction worker, supervisory employee or other person has successfully completed an OSHA-10 course or OSHA-30 course.

Sec. 6. NRS 618.980 is hereby amended to read as follows:

618.980 1. Each trainer shall ~~display~~ :

(a) *Register with the Division.*

(b) *Display* his or her trainer card in a conspicuous manner at each location where the trainer provides an OSHA-10 course or OSHA-30 course.

(c) *Report to the Division the name of each person who successfully completes an OSHA-10 course or OSHA-30 course provided by the trainer.*

2. No person other than a trainer may provide an OSHA-10 course or OSHA-30 course.

3. As used in this section:

(a) "Trainer" means a person who is currently authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, a person who has completed OSHA 500, the Trainer Course *in Occupational Safety and Health Standards* for the Construction Industry.

(b) "Trainer card" means the card issued upon completion of OSHA 500, the Trainer Course *in Occupational Safety and Health Standards* for the Construction Industry, which reflects the authorization of the holder by the Occupational Safety and Health Administration of the United States Department of Labor to provide OSHA-10 courses and OSHA-30 courses.

Sec. 7. NRS 618.9911 is hereby amended to read as follows:

618.9911 1. *The provisions of subsections 2 and 3 do not apply to a worker who is employed by a single employer for a period of less than 15 consecutive days.*

2. Not later than 15 days after the date a worker other than a supervisory employee ~~is hired,~~ ***begins work on a site,*** the worker must obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.9909.

~~2.~~ 3. Not later than 15 days after the date a supervisory employee ~~is hired,~~ ***begins work on a site,*** the supervisory employee must obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.9909.

~~3.~~ 4. Any completion card used to satisfy the requirements of this section expires 5 years after the date it is issued and may be renewed by:

(a) Completing an OSHA-10 course or OSHA-30 course, as applicable, within the previous 5 years; or

(b) Providing proof satisfactory to the Division that the worker has completed continuing education within the previous 5 years consisting of job-specific training that meets the guidelines established by the Division pursuant to NRS 618.9909 in an amount of:

(1) For a completion card issued for an OSHA-10 course, not less than 5 hours; or

(2) For a completion card issued for an OSHA-30 course, not less than 15 hours.

Sec. 8. NRS 618.9912 is hereby amended to read as follows:

618.9912 1. If a worker other than a supervisory employee fails to present his or her employer with a current and valid completion card for an OSHA-10 course ~~not later than 15 days after being hired,~~ ***as required pursuant to NRS 618.9911,*** the employer shall suspend or terminate his or her employment.

2. If a supervisory employee on a site fails to present his or her employer with a current and valid completion card for an OSHA-30 course ~~not later than 15 days after being hired,~~ ***as required pursuant to NRS 618.9911,*** the employer shall suspend or terminate his or her employment.

Sec. 9. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 297.

Bill read second time.

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

Amendment No. 570.

AN ACT relating to fire safety; requiring the owner or operator of a building with certain fire safety equipment to have the equipment inspected by ~~professionals,~~ **technicians** with certain qualifications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the owner or operator of any building equipped with a fire damper, smoke damper or combination fire and smoke damper to have the unit inspected by a ~~professional,~~ **technician** with certain qualifications, ~~as often as required by the International Fire Code as published by the International Code Council.~~ **Section 3** of this bill requires a technician that performs such an inspection to provide the owner or operator with a certification of inspection and report any malfunctions or defects to the owner or operator, ~~as well as~~ the State Fire Marshal ~~and~~ **and the governing body of the city or county, as applicable, where the building is located.**

Section 4 of this bill requires the owner or operator of any building equipped with a smoke control system to have the unit inspected by a ~~professional,~~ **technician** with certain qualifications, ~~as often as required by the International Fire Code as published by the International Code Council.~~ **Section 5** of this bill requires a technician that performs such an inspection to provide the owner or operator with a certification of inspection and report any malfunctions or defects to the owner or operator, ~~as well as~~ the State Fire Marshal ~~and~~ **and the governing body of the county or city, as applicable, where the building is located.**

Section 6 of this bill authorizes the State Fire Marshal to adopt regulations relating to the maintenance and testing of: (1) fire dampers, smoke dampers and combination fire and smoke dampers; and (2) smoke control systems.

Section 6.5 of this bill authorizes the State Fire Marshal to issue a license to: (1) maintain, install or inspect fire dampers, smoke dampers or combination fire and smoke dampers; and (2) maintain, install or inspect smoke control systems.

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

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~1.5~~ **1.5** to 5, inclusive, of this act.

Sec. 1.5. *As used in sections 1.5 to 5, inclusive, of this act, "governing body" means:*

1. If a building is located within the boundaries of a city, the governing body of the city.

2. If a building is located in the unincorporated area of a county, the board of county commissioners of the county.

Sec. 2. *The owner or operator of any building equipped with a fire damper, smoke damper or combination fire and smoke damper shall:*

1. Cause the unit to be inspected upon installation and thereafter ~~annually~~ ;

(a) In accordance with the standards set forth in the ~~latest~~ version of the International Fire Code published by the International Code Council ~~by a fire and smoke damper~~ that has been most recently adopted by the governing body; and

(b) By a technician ~~certified~~ that holds:

(1) A certification issued ~~by the International Certification Board~~ through a program that is accredited by the American National Standards Institute under the standards ~~of the ISO/IEC 17024 of the International Organization for Standardization~~ most recently adopted by the governing body;

(2) A license issued by the State Fire Marshal pursuant to paragraph (d) of subsection 1 of NRS 477.033; and

(3) Except as otherwise provided in this subparagraph, a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems. If a technician does not hold such a license, the technician must have a person who holds a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems present during the inspection.

2. Maintain and make available for inspection, upon the request of the State Fire Marshal ~~or~~ governing body, the certification of inspection provided by the technician that completed the inspection pursuant to section 3 of this act.

Sec. 3. Any technician that performs an inspection of a fire damper, smoke damper or combination fire and smoke damper as required pursuant to section 2 of this act shall:

1. Perform the inspection in such a manner as to ensure, without limitation:

(a) Access to the damper is unobstructed;

(b) The damper is able to close and there is no damper interference due to a rusted, bent, misaligned or damaged frame or blades or defective hinges or parts;

(c) The damper frame will not be penetrated by any foreign objects during operation that would affect functioning;

(d) The damper is not blocked from closure in any way;

(e) The fusible link, if applicable, is reinstalled after the completion of the inspection; and

(f) If the fusible link, if applicable, is damaged or painted, it is replaced with a link of the same size, temperature and load rating.

2. Report malfunctions or defects discovered during the inspection, if any, to the owner or operator of the building, ~~and~~ the State Fire Marshal ~~and~~ the governing body.

3. Provide the owner or operator of the building with a certification of inspection that includes, without limitation:

- (a) *The location of the fire damper, smoke damper or combination fire and smoke damper inspected;*
- (b) *The date of the inspection;*
- (c) *The results of the inspection; ~~and~~*
- (d) *The name and certification number of the technician ~~is~~; and*
- (e) *The number of the license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems to the technician or other person described in subparagraph (3) of paragraph (b) of subsection 1 of section 2 of this act, as applicable.*

Sec. 4. *The owner or operator of any building equipped with a smoke control system shall:*

1. *Cause the smoke control system to be inspected upon installation and thereafter ~~is~~:*

(a) *In accordance with the standards set ~~by~~ forth in the ~~latest~~ version of the International Fire Code published by the International Code Council ~~is~~ that has been most recently adopted by the governing body; and*

(b) *By a technician that ~~is certified to perform such work~~ holds:*

(1) *A certification issued ~~by the International Certification Board~~ through a program that is accredited by the American National Standards Institute under the standards ~~of the ISO/IEC 17024 of the International Organization for Standardization~~ most recently adopted by the governing body;*

(2) *A license issued by the State Fire Marshal pursuant to paragraph (e) of subsection 1 of NRS 477.033; and*

(3) *Except as otherwise provided in this subparagraph, a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems. If a technician does not hold such a license, the technician must have a person who holds a license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems present during the inspection.*

2. *Maintain and make available for inspection, upon the request of the State Fire Marshal ~~is~~ or governing body, the certification of inspection provided by the technician that completed the inspection pursuant to section 5 of this act.*

Sec. 5. *Any technician that performs an inspection on a smoke control system as required pursuant to section 4 of this act shall:*

1. *Report malfunctions or defects discovered during the inspection, if any, to the owner or operator of the building, ~~and~~ the State Fire Marshal ~~is~~ and the governing body.*

2. *Provide the owner or operator of the building of the smoke control system with a certification of inspection that includes, without limitation:*

- (a) *The location of the smoke control system inspected;*
- (b) *The date of the inspection;*

(c) *The results of the inspection; ~~and~~*
 (d) *The name and certification number of the technician ~~is~~; and*
(e) *The number of the license issued by the State Fire Marshal pursuant to paragraph (a) of subsection 1 of NRS 477.033 to maintain, install or sell fire alarm systems to the technician or other person described in subparagraph (3) of paragraph (b) of subsection 1 of section 4 of this act, as applicable.*

Sec. 6. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

↳ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

(e) *The maintenance and testing of:*

(1) *Fire dampers, smoke dampers and combination fire and smoke dampers; and*

(2) *Smoke control systems.*

↳ Except as otherwise provided in subsection 12, the regulations of the State Fire Marshal apply throughout the State, but except with respect to state-owned or state-occupied buildings, the State Fire Marshal’s authority to enforce them or conduct investigations under this chapter does not extend to a school district except as otherwise provided in NRS 393.110, or a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where the State Fire Marshal is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as

otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

~~[(e) *The maintenance and testing of:*~~

~~—(1) *Fire dampers, smoke dampers and combination fire and smoke dampers; and*~~

~~—(2) *Smoke control systems.*]~~

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040 and the mitigation of the risk of a fire hazard from vegetation in counties within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from foster homes.

5. The State Fire Marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The State Fire Marshal shall put the National Fire Incident Reporting System into effect throughout the State and publish at least annually a summary of data collected under the System.

8. The State Fire Marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The State Fire Marshal shall:

(a) Except as otherwise provided in subsection 12 and NRS 393.110, assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances,

↪ on request or as the State Fire Marshal deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of the State Fire Marshal's authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

12. Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State:

(a) Do not apply in a county whose population is 700,000 or more which has adopted a code at least as stringent as the International Fire Code and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.

(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in the county and in those local jurisdictions in the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this paragraph, "public school" has the meaning ascribed to it in NRS 385.007.

Sec. 6.5. NRS 477.033 is hereby amended to read as follows:

477.033 1. A license, issued by the State Fire Marshal, is required for:

(a) Maintenance, installation or sale of fire extinguishers, fire alarm systems or fire sprinkler systems.

(b) Use of explosives in any commercial construction, but not in mining or the control of avalanches.

(c) Commercial fireworks displays.

(d) Maintenance, installation or inspection of fire dampers, smoke dampers or combination fire and smoke dampers.

(e) Maintenance, installation or inspection of smoke control systems.

2. Applications for licenses must be made on a form prescribed by the State Fire Marshal.

3. The State Fire Marshal may conduct inspections, examinations or hearings before the issuance of licenses.

4. The State Fire Marshal may charge a reasonable fee, to be fixed by regulation, for the inspection and issuance of licenses.

5. If any person is denied a license by the State Fire Marshal, the person is entitled to a hearing, upon request, before a hearing officer.

Sec. 7. 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. 301.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 385.

SUMMARY—Revises provisions relating to ~~(county)~~ jails. (BDR 16-769)

AN ACT relating to ~~(county)~~ jails; requiring **the person appointed to administer a city jail and** the sheriff of a county to report, **as applicable,** certain information concerning deaths in the **city jail or** county jail to **the governing body of the city or** the board of county commissioners; requiring **the person appointed to administer a city jail and** the sheriff to investigate certain deaths in the **city jail or** county jail ~~and~~, **as applicable;** requiring each **governing body of a city and** board of county commissioners to take certain actions relating to reports regarding deaths in the **city jail or** county jail ~~and~~, **as applicable;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each board of county commissioners to: (1) at least once every 3 months, inquire into the security of the county jail and the treatment and condition of the prisoners; and (2) take all necessary precautions against escape, sickness and infection in the county jail. (NRS 211.020) Existing law also gives the sheriff the responsibility for the daily operation of the county jail. (NRS 211.030) **Section ~~21~~ 6** of this bill requires the sheriff to: (1) report each death of a prisoner in the county jail or any branch county jail to the board; **and** (2) ~~investigate each suspicious death or death with an unknown cause in the county jail or any branch county jail; and (3)~~ submit to the board a ~~quarterly~~ **biannual** report that contains aggregate data concerning deaths of prisoners in the county jail and any branch county jail. **Section ~~11~~ 5** of this bill requires the board to review all available information concerning deaths of prisoners in the county jail and any branch county jail. At least ~~once~~ **twice** each ~~quarter~~ **year**, **section ~~11~~ 5** also requires the board to include as an item on the agenda of a public meeting of the board consideration of the conditions of the county jail and any branch county jail and the number of deaths of prisoners in the county jail or any branch county jail during the immediately preceding ~~quarter~~ **6 months** and the **known** circumstances surrounding any such deaths. **Section ~~11~~ 5** additionally requires the board to take necessary precautions against suicide and death in the county jail and any branch county jail.

Sections 3 and 4 of this bill apply the amendatory provisions of sections 5 and 6, respectively, to city jails and impose conforming requirements on the person appointed to administer a city jail and the governing body of a city, as applicable.

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

Section 1. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, "basic demographics" includes, without limitation:

- 1. A prisoner's:**
 - (a) Name;**
 - (b) Inmate number;**
 - (c) Age at the time of his or her death; and**
 - (d) Gender;**
- 2. The date of the admission of a prisoner to a county or city jail;**
- 3. The date of the death of a prisoner;**
- 4. The location of a prisoner at the time of his or her death; and**
- 5. The probable cause of the death of a prisoner.**

Sec. 3. The governing body of a city:

- 1. Shall take all necessary precautions against escape from the city jail and sickness, infection, suicide and death in the city jail.**

2. Shall review all available information concerning deaths of prisoners in the city jail, including, without limitation, information received from the person appointed to administer the city jail pursuant to section 4 of this act. At least twice each year, the governing body shall include as an item on the agenda of a public meeting of the governing body consideration of the conditions of the city jail and the number of deaths of prisoners in the city jail and the known circumstances surrounding any such deaths, including, without limitation, basic demographics and information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, during the immediately preceding 6 months.

Sec. 4. 1. Not later than 48 hours after the death of a prisoner in a city jail, the person appointed to administer the city jail shall report the death to the governing body of the city. The report must include, without limitation, basic demographics.

2. The person appointed to administer the city jail shall submit to the governing body of the city a biannual report that contains aggregated data similar to the information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, concerning the deaths of prisoners in the city jail during the immediately preceding 6 months and the circumstances surrounding any such deaths.

~~Section 1.~~ Sec. 5. NRS 211.020 is hereby amended to read as follows:
211.020 The board of county commissioners:

1. Is responsible for building, inspecting and repairing any county or branch county jail located in its county.

2. Once every 3 months, shall inquire into the security of the jail and the treatment and condition of the prisoners.

3. Shall take all necessary precautions against escape, sickness ~~to~~, infection ~~to~~, suicide and death.

4. Shall review all available information concerning deaths of prisoners in the county jail and any branch county jail, including, without limitation, information received from the sheriff pursuant to NRS 211.030. At least ~~once~~ twice each ~~quarter~~ year, the board shall include as an item on the agenda of a public meeting of the board, consideration of the conditions of the county jail and any branch county jail and the number of deaths of prisoners in the county jail and any branch county jail and the known circumstances surrounding any such deaths, including, without limitation, basic demographics and information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, during the immediately preceding ~~quarter~~ 6 months.

~~Sec. 2.~~ Sec. 6. NRS 211.030 is hereby amended to read as follows:

211.030 1. The sheriff is the custodian of the jail in his or her county, and of the prisoners therein, and shall keep the jail personally, or by his or her deputy, or by a jailer or jailers appointed by the sheriff for that purpose, for whose acts the sheriff is responsible.

2. All jailers employed or appointed by the sheriff are entitled to receive a fair and adequate monthly compensation, to be paid out of the county treasury, for their services.

3. *Not later than 48 hours after the death of a prisoner in the county jail or any branch county jail in his or her county, the sheriff shall report the death to the board of county commissioners. The report must include, without limitation, ~~the probable cause of the death and a statement of any medical care that the prisoner received within the 12 months immediately preceding the death.~~ basic demographics.*

4. ~~If the sheriff determines that the death of a prisoner in the county jail or any branch county jail in his or her county is suspicious or the cause of the death is unknown, the sheriff must investigate the death and report the results of the investigation to the board.~~

~~5.]~~ The sheriff shall submit to the board a ~~quarterly~~ biannual report that contains aggregated data similar to the information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, concerning the deaths of prisoners in the county jail and any branch county jail in his or her county during the immediately preceding ~~quarter~~ 6 months and the circumstances surrounding any such deaths.

~~Sec. 3.]~~ 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.

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. 304.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 338.

~~{CONTAINS UNFUNDED MANDATE (§§ 1, 4)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)}~~

AN ACT relating to education; ~~providing for the establishment of uniform maximum ratios of pupils to certain school employees in public schools; requiring each public school to achieve those ratios within a prescribed time; requiring a school district to provide additional compensation to a teacher who teaches a class that exceeds those ratios; revising provisions concerning variances;~~ requiring a request for a variance from maximum pupil-teacher ratios in elementary schools, ~~+~~ to include a plan to reduce class sizes; requiring the State Board of Education to adopt maximum ratios of pupils to certain school employees; requiring the board of trustees of a school district to annually publish certain information concerning class size; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the State Board of Education to establish by regulation the maximum pupil teacher ratio for each school district in this State. If a school district maintains one or more classes whose pupil teacher ratio exceeds the applicable maximum, existing law authorizes the Superintendent of Public Instruction to withhold a part or all of the apportionment of money due to the district. (NRS 387.1234) Existing law also requires the State Board to develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State. The nonbinding recommendations are required to: (1) be based on evidence based national standards; and (2) take into account the unique needs of certain pupils, including pupils who are English learners. (NRS 388.890) Section 1 of this bill requires the State Board to establish uniform maximum pupil teacher ratios, pupil counselor ratios and pupil librarian ratios that must be achieved without exception by the beginning of the 2028-2029 school year. Section 1 requires those uniform maximum ratios to be developed based on the same criteria as the nonbinding recommendations. Section 1 additionally requires each school to make proportional reductions in the pupil teacher, pupil counselor and pupil librarian ratios at the school toward those uniform maximum ratios every 2 years. In addition to the existing financial penalties that the Superintendent of Public Instruction is authorized to impose against a school district that maintains a class that exceeds the applicable maximum, section 1 requires a district to provide additional compensation to a teacher who is required to teach such a class. Section 2 of this bill removes language that will become obsolete at the beginning of the 2028-2029 school year. Section 10 of this bill repeals the requirement to develop nonbinding recommendations for pupils per licensed teacher.]~~

Existing law: (1) prescribes maximum ratios of pupils per class in kindergarten through third grade; and (2) authorizes a school district to request a variance from those maximum prescribed ratios from the State Board of Education. (NRS 388.700) **Section 4** of this bill requires each such request to include a plan of actions that the school district will take to reduce the ratio of pupils per class. ~~[Section 4 also requires the State Board to adopt regulations prescribing the maximum percentage of classrooms in an elementary school that are authorized to exceed the maximum ratios of pupils per class prescribed in existing law. Section 4 prohibits the State Board from granting a request for a variance if: (1) approving the variance will result in the school exceeding that maximum percentage; or (2) the State Board determines that the plan of actions submitted as part of the request for the variance is not likely to reduce the number of pupils per class at the school below the maximum ratios prescribed in existing law. Section 4 additionally requires the biennial report concerning variances submitted by the State Board to the Legislature to include certain information concerning rejected variances. Section 3 of this bill requires the board of trustees of each school district to annually report the average number of pupils per licensed teacher in each class in the district to~~

the Department of Education. Section 3 also requires the Department to compile that information into a report and submit the report to the Legislature. Sections 6 and 7 of this bill make conforming changes.]

Existing law requires the State Board to develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State. The nonbinding recommendations are required to be based on evidence-based national standards; and take into account the unique needs of certain pupils, including pupils who are English learners. (NRS 388.890) Section 5.5 of this bill additionally requires the State Board to develop nonbinding recommendations for the ratio of pupils per counselor or licensed social worker in the public schools of this State. Section 5.5 also requires the board of trustees of each school district to annually post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

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

Section 1. ~~[NRS 387.1234 is hereby amended to read as follows:
387.1234 1. Except as otherwise provided in subsection [3] 8 and NRS 388.700, the State Board shall establish by regulation *for the 2019-2020 and 2020-2021 school years* the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:
— (a) The maintenance of an acceptable standard of instruction;
— (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and
— (c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.
2. *Except as otherwise provided in subsection 8 and NRS 388.700, the State Board shall establish by regulation the uniform maximum pupil-teacher ratios for each grade, and for each subject matter wherever different subjects are taught in separate classes, that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2021-2022 school year, the State Board shall establish for each school in this State to which such ratios apply the amount by which the pupil-teacher ratio in each grade and for each subject matter where different subjects are taught in separate classes, must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.*
3. *When establishing the uniform maximum pupil-teacher ratios pursuant to subsection 2, the State Board shall establish the maximum pupil-teacher ratio for a classroom in which the teacher provides instruction for a program of special education.*
4. *The State Board shall establish by regulation the uniform maximum ratios of pupils to counselors and pupils to librarians for each elementary*~~

~~school, middle school or junior high school and high school in this State that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2022-2023 school year, the State Board shall establish for each such school the amount by which the ratio must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.~~

~~5. The maximum ratios established pursuant to subsections 2, 3 and 4 must:~~

~~(a) Be based on evidence based national standards; and~~

~~(b) Take into consideration the unique needs of the different types of pupils at each school, including, without limitation, English learners.~~

~~6. The board of trustees of a school district shall provide to any teacher who teaches one or more classes in the school district in which the pupil-teacher ratio exceeds the applicable maximum additional compensation in an amount proscribed by regulation of the State Board.~~

~~7. If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.~~

~~[3.] 8. The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 387.1234 is hereby amended to read as follows:~~

~~387.1234 1. [Except as otherwise provided in subsection 8 and NRS 388.700, the State Board shall establish by regulation for the 2019-2020 and 2020-2021 school years the maximum pupil teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:~~

~~(a) The maintenance of an acceptable standard of instruction;~~

~~(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and~~

~~(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.~~

~~2.] Except as otherwise provided in subsection [8] 7 and NRS 388.700, the State Board shall establish by regulation the uniform maximum pupil teacher ratios for each grade [.] and for each subject matter wherever different subjects are taught in separate classes. [that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2021-2022 school year, the State Board shall establish for each school in this State to~~

~~which such ratios apply the amount by which the pupil teacher ratio in each grade and for each subject matter where different subjects are taught in separate classes, must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.~~

~~—3.] 2. When establishing the uniform maximum pupil teacher ratios pursuant to subsection [2.] 1, the State Board shall establish the maximum pupil teacher ratio for a classroom in which the teacher provides instruction for a program of special education.~~

~~—[4.] 3. The State Board shall establish by regulation the uniform maximum ratios of pupils to counselors and pupils to librarians for each elementary school, middle school or junior high school and high school in this State. [that must be achieved by the beginning of the 2028-2029 school year. For each school year beginning with the 2022-2023 school year, the State Board shall establish for each such school the amount by which the ratio must be reduced so that any reduction that is required is achieved by at least 25 percent each 2 years.~~

~~—5.] 4. The maximum ratios established pursuant to subsections 1, 2 [.] and 3 [and 4] must:~~

~~—(a) Be based on evidence based national standards; and~~

~~—(b) Take into consideration the unique needs of the different types of pupils at each school, including, without limitation, English learners.~~

~~—[6.] 5. The board of trustees of a school district shall provide to any teacher who teaches one or more classes in the school district in which the pupil teacher ratio exceeds the applicable maximum additional compensation in an amount prescribed by regulation of the State Board.~~

~~—[7.] 6. If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.~~

~~—[8.] 7. The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.] **(Deleted by amendment.)**~~

Sec. 3. ~~[Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***—At the conclusion of each school year, the board of trustees of each school district shall report to the Department the average number of pupils per licensed teacher that will be in each class in the district for each grade, and for each subject matter wherever different subjects are taught in separate classes, for that school year. The Department shall compile into a report the***~~

~~information received pursuant to this section and submit the report to the Director of the Legislative Counsel Bureau for transmittal to~~

~~1. The Legislative Committee on Education if the report is received during an odd-numbered year; or~~

~~2. The next regular session of the Legislature if the report is received during an even-numbered year.] (Deleted by amendment.)~~

Sec. 4. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each school quarter of a school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

↪ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, and counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of a quarter during the school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any quarter of a school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

↪ must request a variance for each such school for the next quarter of the current school year if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable, from the State Board by providing a written statement that includes the reasons for the request, ~~and~~ the justification for exceeding the applicable prescribed ratio of pupils per class ~~and~~ **and a plan of actions that the school district will take to reduce the ratio of pupils per class.**

4. ~~The [Except as otherwise provided in this subsection, the]~~ State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good

cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios. ~~[The State Board shall not grant such a variance if:~~

~~— (a) Granting the variance will place the school in violation of the regulations adopted pursuant to subsection 5; or~~

~~— (b) The State Board determines that the actions prescribed in the plan of actions submitted with the request for the variance are not likely to reduce the number of pupils per class to a number that does not exceed the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3, as applicable, within a reasonable time.]~~

~~5. [The State Board shall prescribe by regulation the maximum percentage of classrooms in an elementary school that may exceed the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3.]~~

~~6.]~~ The State Board shall, on a quarterly basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding quarter and if ~~if~~

~~(a) If~~ a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance

~~6. ~~if~~ or~~

~~(b) If a variance was denied, an identification of each elementary school for which a variance was rejected and the reason for the rejection.~~

~~7.]~~ The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:

(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and if ~~if~~

~~(1) If~~ a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance

~~or~~

~~(2) If a variance was denied, an identification of each elementary school for which a variance was denied and the reason for the rejection.]~~

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

~~8.]~~ The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

↳ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

~~8. ~~10.1~~~~ The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 5. ~~NRS 388.720 is hereby amended to read as follows:~~

~~388.720 1. Except as otherwise provided in subsection 2, each school district together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the district's pupil teacher ratio per class in kindergarten and grades 1, 2 and 3 within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board.~~

~~2. In lieu of complying with the pupil teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil teacher ratios per class for specified grade levels in elementary schools. Alternative ratios for grade 6 may only be approved for those school districts that include grade 6 in elementary school. The alternative pupil teacher ratios must not:~~

~~(a) Exceed 22 to 1 in grades 1, 2 and 3; and~~

~~(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.~~

~~3. The State Board shall approve a plan submitted pursuant to subsection 2 if the plan:~~

~~(a) Reduces the district's pupil teacher ratio in the elementary schools within the school district; ~~and~~~~

~~(b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700 ~~;~~ and~~

~~(c) Will not place the school in violation of the regulations adopted pursuant to subsection 5 of NRS 388.700. ~~(Deleted by amendment.)~~~~

Sec. 5.5. NRS 388.890 is hereby amended to read as follows:

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher , *counselor and licensed social worker* in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher , *counselor or licensed social worker, as applicable*, in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) **Prescribe a suggested ratio of pupils per counselor and a ratio of pupils per licensed social worker for each kind of public school described in NRS 388.020;**

~~(c)~~ Be based on evidence-based national standards; and

~~(c)~~ **(d)** Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. **Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.**

5. As used in this section, “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).

Sec. 6. ~~NRS 218E.615 is hereby amended to read as follows:~~

~~218E.615 The Committee may:~~

~~1. Evaluate, review and comment upon issues related to education within this State, including, but not limited to:~~

~~(a) Programs to enhance accountability in education;~~

~~(b) Legislative measures regarding education;~~

~~(c) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the statewide system of accountability for public schools;~~

~~(d) Methods of financing public education;~~

~~(e) The condition of public education in the elementary and secondary schools;~~

~~(f) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720 [;] and section 3 of this act;~~

~~(g) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and~~

~~(h) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.~~

~~2. Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

~~3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.~~

~~4. Make recommendations to the Legislature concerning the manner in which public education may be improved. (Deleted by amendment.)~~

Sec. 7. ~~NRS 218E.625 is hereby amended to read as follows:~~

~~218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.~~

~~2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:~~

~~(a) Collect and analyze data and issue written reports concerning:~~

~~(1) The effectiveness of the provisions of chapter 385A of NRS in improving the accountability of the schools of this State;~~

~~(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720 [;] and section 3 of this act;~~

~~(3) The statewide program to educate persons with disabilities that is set forth in NRS 388.5223 to 388.5243, inclusive;~~

~~(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 390.830; and~~

~~(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.~~

~~(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:~~

~~(1) As the Fiscal Analysts determine are necessary; or~~

~~(2) At the request of the Legislature.~~

~~This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.~~

~~(c) On or before October 1 of each even numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.~~

~~3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.~~

~~4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or~~

~~Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.~~

~~5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State. (Deleted by amendment.)~~

~~Sec. 8. [The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.] (Deleted by amendment.)~~

~~Sec. 9. [The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)~~

~~Sec. 10. [NRS 388.890 is hereby repealed.] (Deleted by amendment.)~~

~~Sec. 11. [1.] This [section and sections 1 and 3 to 10, inclusive, of this act become effective:~~

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

~~(b) On January 1, 2020, for all other purposes.~~

~~2. Section 2 of this] act becomes effective on July 1, [2028.] 2019.~~

†

~~TEXT OF REPEALED SECTION~~

~~388.890 State Board to establish recommendations for ratio of pupils per teacher in each grade.~~

~~1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher in the school district.~~

~~2. The recommendations developed by the State Board must:~~

~~(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;~~

~~(b) Be based on evidence-based national standards; and~~

~~(c) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners.~~

~~3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.~~

~~4. As used in this section, "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).]~~

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. 337.

Bill read second time.

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

Amendment No. 351.

~~ASSEMBLYWOMEN~~ ASSEMBLYMEN MARTINEZ, ~~AND~~ CARLTON;

BACKUS AND CARRILLO

AN ACT relating to railroads; specifying crew requirements for certain railroads transporting freight in this State; requiring vehicles to stop at railroad grade crossings for on-track equipment; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides employment protections for certain railroad employees who were employed by any railroad in this State on April 1, 1963, or July 1, 1985, to address provisions concerning the size of a train crew that were removed from the Nevada Revised Statutes by the Legislature in 1963 and 1985, respectively. (NRS 705.390; chapter 176, Statutes of Nevada 1963, p. 281, chapter 358, Statutes of Nevada 1985, p. 1014) **Section 6** of this bill repeals that provision. **Section 1** of this bill requires any Class I freight railroad, Class I railroad or Class II railroad for transporting freight which operates a train or locomotive in this State, and any officer of such a railroad, to ensure that the train or locomotive contains a crew of not less than two persons, with certain exceptions. **Section 2** of this bill provides that a railroad or officer of a railroad who violates the provisions of **section 1** is liable to the Public Utilities Commission of Nevada for certain civil penalties. (NRS 705.420) **Sections 3-5** of this bill require vehicles to stop at railroad grade crossings when traffic control devices are operating or when on-track equipment is approaching.

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

Section 1. Chapter 705 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, any Class I freight railroad, Class I railroad or Class II railroad for transporting freight which operates a train or locomotive in this State, and any officer of such a railroad, shall ensure that the train or locomotive contains a crew of not less than two persons.

2. The provisions of subsection 1 do not apply to a train or locomotive engaged in helper or hostling services.

3. As used in this section:

(a) *“Class I freight railroad” has the meaning ascribed to it in 40 C.F.R. § 1033.901.*

(b) *“Class I railroad” has the meaning ascribed to it in 40 C.F.R. § 1033.901.*

(c) *“Class II railroad” has the meaning ascribed to it in 40 C.F.R. § 1033.901.*

(d) *“Helper services” includes connecting a locomotive to the front or back of a train to assist the train in ascending or descending a grade.*

(e) *“Hostling services” includes moving a train or locomotive a short distance in a railroad yard.*

Sec. 2. NRS 705.420 is hereby amended to read as follows:

705.420 Any railroad ~~company or receiver of any railroad company, and any person engaged in the business of common carrier doing business in the State of Nevada, which~~ *or officer of a railroad who* violates ~~any of~~ the provisions of ~~[NRS 705.390]~~ *section 1 of this act* is liable to the Public Utilities Commission of Nevada for a *civil* penalty of ~~[\$500]~~ :

1. ~~Not less than \$1,000~~ *\$5,000* for ~~each~~ *the first* violation ~~}; and~~
2. ~~Not more than \$5,000~~ *\$10,000* for the second ~~and any subsequent~~ *violation within 3 years of the first violation* ~~}; and~~
3. ~~Not more than \$25,000~~ *\$25,000* for a third ~~and any subsequent violation within 3 years of the first violation.~~

Sec. 3. NRS 484B.553 is hereby amended to read as follows:

484B.553 1. Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible official traffic-control or railroad device gives warning of the immediate approach of a train ~~};~~ *or other on-track equipment*, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest track of such railroad and shall not proceed until the driver can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train ~~};~~ *or other on-track equipment*.

(b) A crossing gate is lowered or when a flagger gives or continues to give a signal of the approach or passage of a railroad train ~~};~~ *or other on-track equipment*.

(c) A railroad train *or other on-track equipment* approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train ~~};~~ *or other on-track railroad equipment*, by reason of its speed or nearness to such crossing, is an immediate hazard.

(d) An approaching railroad train *or other on-track equipment* is plainly visible and is in hazardous proximity to such crossing.

2. A person shall not drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 4. NRS 484B.560 is hereby amended to read as follows:

484B.560 1. Except as otherwise provided in subsection 4, the driver of a bus carrying passengers, or of any school bus carrying any school child, or

of any vehicle carrying hazardous materials as that term is defined in 49 C.F.R. § 383.5, before crossing at grade any track or tracks of a railroad, shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train ~~††~~ **or other on-track equipment**, and for signals indicating the approach of a train ~~††~~ **or other on-track equipment**, and shall not proceed until the driver can do so safely.

2. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.

3. When stopping is required at a railroad crossing the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic.

4. No such stop need be made at a railroad crossing:

(a) Where a police officer or official traffic-control device controls the movement of traffic.

(b) Which is marked with a device indicating that the crossing is abandoned.

(c) Which is a streetcar crossing or is used exclusively for industrial switching purposes within an area designated as a business district.

(d) Which is marked with a sign identifying it as an exempt crossing. Signs identifying a crossing as exempt may be erected only:

(1) If the tracks are an industrial or spur line;

(2) By or with the consent of the appropriate state or local authority which has jurisdiction over the road; and

(3) After the State or the local authority has held a public hearing to determine whether the crossing should be designated an exempt crossing.

5. It is unlawful for the driver of any vehicle, when crossing at grade any track or tracks of a railroad, to fail to completely cross the track or tracks without stopping due to insufficient:

(a) Space for the vehicle on the opposite side of the railroad crossing; or

(b) Undercarriage clearance of the vehicle.

6. As used in this section, "completely cross" means to travel across a railroad track or tracks in such a manner that the trailing end of the vehicle is 15 feet or more past the nearest rail of the railroad track or tracks.

Sec. 5. NRS 484B.563 is hereby amended to read as follows:

484B.563 1. It is unlawful for any person to operate or move any crawler-type tractor, power shovel, derrick, roller, or any vehicle, equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a highway, upon or across any tracks at a railroad grade crossing without first complying with this section.

2. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train *or other on-track equipment* and for signals indicating the approach of a train *or other on-track equipment*, and shall not proceed until the crossing can be made safely.

3. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car *or other on-track equipment*. If a flagger is provided by the railroad, movement over the crossing shall be under the direction of the flagger.

Sec. 6. NRS 705.390 is hereby repealed.

TEXT OF REPEALED SECTION

705.390 Protection of flagger and trainman employed on certain dates from discharge or loss of employment. No person employed as a flagger on any railroad in this State on April 1, 1963, may be discharged or lose such employment by reason of the provisions of chapter 176, Statutes of Nevada 1963. No person holding seniority as a trainman on any railroad in this State on July 1, 1985, may be discharged or lose such employment by reason of the provisions of chapter 358, Statutes of Nevada 1985. But if a flagger or a trainman retires, terminates or voluntarily leaves such employment, the railroad company need not replace the position so vacated.

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. 346.

Bill read second time.

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

Amendment No. 419.

AN ACT relating to facilities; removing the prohibition on persons convicted of certain offenses relating to the use or possession of marijuana from requesting or engaging in certain activities relating to health care or the care of children; removing the prohibition on persons convicted of such crimes from operating or working in an intermediary service organization; **authorizing an independent contractor who meets certain requirements to have unsupervised contact with a child at a child care facility;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who has been convicted of certain crimes from: (1) holding a license or certificate, as applicable, to operate a child care facility, registered small child care establishment, intermediary service organization or certain medical facilities and facilities for the dependent; (2) working at an intermediary service organization or such medical facilities and facilities for the dependent as an employee, employee of a temporary employment service or independent contractor; (3) being an employee or adult resident of a child care facility or registered small child care establishment; (4) participating in an outdoor youth program; or (5) being a member of the staff of a program that primarily functions as a seasonal or temporary recreation program. (NRS 432A.160, 432A.1755, 432A.1756, 432A.190, 432A.720, 449.174, 449.4331, 449.4332) **Sections 2 and 7** of this bill remove those prohibitions for a person who has been convicted of a violation of any federal or state law regulating the possession, distribution or use of marijuana, ~~other than~~ **except for a person who: (1) is employed by a child care facility operated by an agency or political subdivision of this State; or (2) has been convicted of** such a violation that is punished as a felony. **Sections 2, 5, 7 and 12** of this bill authorize the Division to establish a process by which a person who has been convicted of certain crimes related to marijuana may request that the Division set aside the conviction when determining whether the person is eligible to serve in those capacities. **Section 6** of this bill revises the list of crimes that disqualify a person from operating or working in an intermediary service organization to match the list of crimes that disqualify a person from operating or working in a medical facility or facility for the dependent.

Existing law prohibits an independent contractor from having unsupervised contact with a child at a child care facility. (NRS 432A.176) Sections 7-9, 10.3 and 10.6 of this bill remove this prohibition for an independent contractor who passes a criminal background check and receives certain training.

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

Section 1. NRS 449.125 is hereby amended to read as follows:

449.125 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.123, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of a facility, hospital, agency, program or home:

(a) Has been convicted of a crime ~~listed~~ *described* in paragraph (a) of subsection 1 of NRS 449.174 ~~and the conviction has not been set aside pursuant to subsection 3 of that section;~~ or

(b) Has had a substantiated report of abuse or neglect made against him or her, if he or she is employed at a facility, hospital, agency, program or home that provides residential services to children, a psychiatric hospital that

provides inpatient services to children or a psychiatric residential treatment facility,

↪ the administrator of, or the person licensed to operate, the facility, hospital, agency, program or home shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the facility, hospital, agency, program or home after allowing the person time to correct the information as required pursuant to subsection 2.

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary employment service or independent contractor may immediately inform the facility, hospital, agency, program or home or temporary employment service. The facility, hospital, agency, program, home or temporary employment service that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. A facility, hospital, agency, program or home that has complied with NRS 449.123 may not be held civilly or criminally liable based solely upon the ground that the facility, hospital, agency, program or home allowed an employee, employee of a temporary employment service or independent contractor to work:

(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision before such information is received;

(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information, except that an employee, employee of the temporary employment service or independent contractor shall not have contact with a child without supervision during such period;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

↪ A facility, hospital, agency, program or home may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 2. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Division may deny a license to operate a facility, hospital, agency, program or home to an applicant or may suspend or revoke the license of a licensee to operate such a facility, hospital, agency, program or home if:

(a) The applicant or licensee has been convicted of:

- (1) Murder, voluntary manslaughter or mayhem;
 - (2) Assault or battery with intent to kill or to commit sexual assault or mayhem;
 - (3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;
 - (4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;
 - (5) A crime involving domestic violence that is punished as a felony;
 - (6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;
 - (7) Abuse or neglect of a child or contributory delinquency;
 - (8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance *other than marijuana*, or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;
 - (9) ***A violation of any federal or state law regulating the possession, distribution or use of marijuana that is punishable as a felony, within the immediately preceding 7 years;***
 - (10) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
 - ~~[(10)]~~ (11) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;
 - ~~[(11)]~~ (12) A violation of any provision of NRS 422.450 to 422.590, inclusive;
 - ~~[(12)]~~ (13) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;
 - ~~[(13)]~~ (14) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;
 - ~~[(14)]~~ (15) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or
 - ~~[(15)]~~ (16) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years;
- (b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime ~~listed~~ ***described*** in paragraph (a); or
- (c) The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her and if the facility, hospital, agency, program or home provides residential services to children, is a psychiatric hospital that

provides inpatient services to children or is a psychiatric residential treatment facility.

2. In addition to the grounds listed in NRS 449.160, the Division may suspend or revoke the license of a licensee to operate an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool or a peer support recovery organization if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime ~~listed~~ **described** in paragraph (a) of subsection 1.

3. ***The Division may prescribe by regulation a process by which a person who has been convicted of a crime described in subparagraph (8) or (9) of paragraph (a) of subsection 1 may request the Division to set aside the conviction when determining whether the person is eligible to hold a license, be employed by a facility, hospital, agency, program or home or provide services as an employee of a temporary employment service or an independent contractor in a facility, hospital, agency, program or home.***

4. As used in this section:

(a) “Domestic violence” means an act described in NRS 33.018.

(b) “Facility, hospital, agency, program or home” has the meaning ascribed to it in NRS 449.119.

(c) “Medicaid” has the meaning ascribed to it in NRS 439B.120.

(d) “Medicare” has the meaning ascribed to it in NRS 439B.130.

Sec. 3. NRS 449.4329 is hereby amended to read as follows:

449.4329 1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime ~~listed~~ **described** in subsection 1 of NRS 449.4332;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to

determine whether the person has been convicted of any crime ~~listed~~ **described** in subsection 1 of NRS 449.4332; and

(f) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime ~~set forth~~ **described** in subsection 1 of NRS 449.4332.

3. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the holder of a certificate to operate an intermediary service organization to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime ~~listed~~ **described** in subsection 1 of NRS 449.4332;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor ~~has~~ :

(1) **Has** not been convicted of any crime ~~set forth~~ **described** in subsection 1 of NRS 449.4332 ~~+~~; **or**

(2) *Has been convicted of such a crime and the conviction has been set aside pursuant to subsection 2 of NRS 449.4332.*

4. The holder of a certificate to operate an intermediary service organization shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at or for the intermediary service organization is investigated is completed as soon as practicable and at least once every 5 years after the date of the initial investigation. The holder of the certificate shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime ~~listed~~ **described** in subsection 1 of NRS 449.4332 and immediately inform the Division and the holder of the certificate to operate an intermediary service organization for which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

6. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The intermediary service organization may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An intermediary service organization shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services to the intermediary service organization based upon the results of an investigation conducted pursuant to this section.

7. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime ~~listed~~ *described* in subsection 1 of NRS 449.4332, is guilty of a misdemeanor.

Sec. 4. NRS 449.4331 is hereby amended to read as follows:

449.4331 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.4329, or evidence from any other source, that an employee, employee of a temporary employment service or independent contractor of an intermediary service organization has been convicted of a crime ~~listed~~ *described* in subsection 1 of NRS 449.4332, ***unless the conviction has been set aside pursuant to subsection 2 of NRS 449.3332***, the holder of the certificate to operate the intermediary service organization shall terminate the employment or contract of that person or notify the temporary employment service that its employee is prohibited from providing services for the intermediary service organization after allowing the person time to correct the information as required pursuant to subsection 2.

2. If an employee, employee of a temporary employment service or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, employee of the temporary employment service or independent contractor may immediately inform the intermediary service organization. The intermediary service organization that is so informed shall give the employee, employee of the temporary employment service or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An intermediary service organization that has complied with NRS 449.4329 may not be held civilly or criminally liable based solely upon the ground that the intermediary service organization allowed an employee, employee of a temporary employment service or independent contractor to work:

(a) Before it received the information concerning the employee, employee of the temporary employment service or independent contractor from the Central Repository;

(b) During the period required pursuant to subsection 2 to allow the employee, employee of the temporary employment service or independent contractor to correct that information;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

↪ An intermediary service organization may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 5. NRS 449.4332 is hereby amended to read as follows:

449.4332 **1.** In addition to the grounds listed in NRS 449.4321, the Division may deny a certificate to operate an intermediary service organization to an applicant or may suspend or revoke a certificate of a holder of a certificate to operate an intermediary service organization if:

~~1-1~~ **(a)** The applicant for or holder of the certificate has been convicted of ~~1-~~

- ~~—(a) Murder, voluntary manslaughter or mayhem;~~
- ~~—(b) Assault with intent to kill or to commit sexual assault or mayhem;~~
- ~~—(c) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;~~
- ~~—(d) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, if the conviction occurred within the immediately preceding 7 years;~~
- ~~—(e) Abuse or neglect of a child or contributory delinquency;~~
- ~~—(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the past 7 years;~~
- ~~—(g) A violation of any provision of NRS 200.5099 or 200.50995;~~
- ~~—(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years; or~~
- ~~—(i) Any other felony involving the use of a firearm or other deadly weapon, within the immediately preceding 7 years; } a crime described in paragraph (a) of subsection 1 of NRS 449.174; or~~

~~1-2~~ **(b)** The holder of a certificate has continued to employ a person who has been convicted of *such* a crime. ~~{listed in subsection 1-}~~

2. *The Division may prescribe by regulation a process by which a person who has been convicted of a crime described in subparagraph (8) or (9) of paragraph (a) of subsection 1 of NRS 449.174 may request the Division to set aside the conviction when determining whether the person is eligible to:*

- (a) Hold a certificate to operate an intermediary service organization; or*
- (b) Serve as an employee, employee of a temporary employment service or independent contractor of an intermediary service organization.*

Sec. 6. NRS 432A.160 is hereby amended to read as follows:

432A.160 **1.** Except as otherwise provided in this section, the Division may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:

- (a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Division determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Division determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Division determines that the facility requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license in any instance where the Division considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Division has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in any outdoor youth program who is 18 years of age or older, has not ~~been~~:

(a) ~~Been~~ convicted of a crime ~~listed~~ *described* in subsection 2 of NRS 432A.170, *unless the conviction has been set aside pursuant to subsection 7 of that section*; and ~~has not had~~

(b) *Had* a substantiated report of child abuse or neglect made against him or her.

Sec. 7. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. Subject to the provisions of subsection ~~7~~ **8**, the Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, *independent contractor who has unsupervised contact with children at a child care facility*, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Any crime against a child, including, without limitation, abuse, neglect or endangerment of a child, contributory delinquency or pornography involving a minor;
- (f) Arson;
- (g) Assault;
- (h) Battery, including, without limitation, battery which constitutes domestic violence;
- (i) Kidnapping;
- (j) Any offense relating to the possession or use of any controlled substance, ***other than marijuana***, or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years;
- (k) ***Any offense relating to the possession or use of marijuana that is punishable as a felony within the immediately preceding 5 years;***
- (l) Any offense relating to the distribution or manufacture of any controlled substance, ***other than marijuana***, or any dangerous drug as defined in chapter 454 of NRS, including, without limitation, possession of a controlled substance for the purpose of sale;
- ~~{(+)}~~ (m) ***Any offense relating to the possession, use, distribution or manufacture of marijuana, including, without limitation, possession of marijuana for the purpose of sale, that is punishable as a felony;***
- (n) ***If the applicant or licensee is an agency or political subdivision of this State, any offense relating to the distribution or manufacture of marijuana, including, without limitation, possession of marijuana for the purpose of sale;***
- ~~(o)~~ (o) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;
- ~~{(m)-(o)}~~ (p) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years;
- ~~{(n)-(p)}~~ (q) A crime that constitutes domestic violence pursuant to NRS 33.018;
- ~~{(o)-(q)}~~ (r) A violation of NRS 484C.430; or
- ~~{(p)-(r)}~~ (s) A violation of NRS 484C.110 or 484C.120 within the immediately preceding 5 years.

3. Subject to the provisions of subsection ~~{7,}~~ 8, the Division shall request information concerning every applicant, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, ***independent contractor who has unsupervised contact with children at a child care facility***, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who

remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for its report concerning a conviction in this State of any of the crimes set forth in subsection 2 and for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant, licensee or small child care establishment, independent contractor who has unsupervised contact with children at a child care facility, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older for an initial background check not later than 3 days after the employee is hired, the independent contractor begins serving as an independent contractor, the residency begins or the participant begins participating in the program and before the employee, independent contractor, resident or participant has direct contact with any child at the child care facility, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

(c) Operator of a small child care establishment before the operator begins operating the establishment, and then at least once every 5 years after the establishment begins operating.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

7. *The Division may prescribe by regulation a process by which a person who has been convicted of a crime described in subparagraph (l) or (m) of subsection 2 may request that the Division set aside the conviction when determining whether the person is eligible to hold a license, be employed by a licensee or small child care establishment, serve as an independent contractor who has unsupervised contact with children at a child care facility, reside in a child care facility or small child care establishment or participate in an outdoor youth program.*

8. The provisions of subsections 2, 3 and 5 apply to a small child care establishment and an operator of a small child care establishment if the

operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

Sec. 8. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Subject to the provisions of subsection 2:

(a) Every applicant for a license to operate a child care facility, licensee, operator of a small child care establishment, employee of an applicant, licensee or small child care establishment, **independent contractor who has unsupervised contact with children at a child care facility**, resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(1) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report;

(2) Written statement detailing any prior criminal convictions; and

(3) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

(b) If an employee of an applicant for a license to operate a child care facility, licensee or small child care establishment, **an independent contractor who has unsupervised contact with children at a child care facility**, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime ~~listed~~ **described** in subsection 2 of NRS 432A.170, **unless the conviction has been set aside pursuant to subsection 7 of NRS 432A.170**, or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant, licensee or small child care establishment who shall then comply with the provisions of NRS 432A.1755.

(c) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older. **An applicant for a license to operate a child care facility or licensee shall notify the Division as soon as practicable but not**

later than 24 hours after retaining an independent contractor who has unsupervised contact with children.

(d) An employee of an applicant for a license to operate a child care facility, licensee or operator of a small child care establishment **or an independent contractor of an applicant for a license to operate a child care facility or licensee** shall notify the applicant, licensee or operator, **as applicable**, not later than 24 hours after:

(1) Being charged with or convicted of a crime ~~listed~~ **described** in subsection 2 of NRS 432A.170;

(2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(e) A resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older shall notify the licensee of the child care facility, operator of the small child care establishment or outdoor youth program, as applicable, not later than 24 hours after:

(1) Being charged with or convicted of a crime ~~listed~~ **described** in paragraph (b);

(2) Receiving notice that he or she is the subject of an investigation for child abuse or neglect; or

(3) Receiving notice that a report of abuse or neglect has been substantiated against him or her.

(f) An applicant for a license to operate a child care facility, licensee or operator of a small child care establishment shall notify the Division within 2 days after receiving notice that:

(1) The applicant, licensee or operator, an employee of the applicant, licensee or small child care establishment, **an independent contractor who has unsupervised contact with children at a child care facility**, a resident of the child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility, establishment or program operated by the applicant, licensee or operator is the subject of a lawsuit or any disciplinary proceeding; or

(2) The applicant, licensee or operator or an employee, **an independent contractor**, a resident or a participant has been charged with a crime ~~listed~~ **described** in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

3. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

Sec. 9. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Subject to the provisions of subsection 2:

(a) Except as otherwise provided in *this paragraph and* paragraph (c), upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or from an employee of an applicant for a license to operate a child care facility, a licensee or a small child care establishment, *an independent contractor who has unsupervised contact with children at a child care facility*, a resident of a child care facility or small child care establishment who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older or from any other source that such an employee, *independent contractor*, resident or participant has been convicted of a crime ~~listed~~ *described* in subsection 2 of NRS 432A.170 , *unless the conviction has been set aside pursuant to subsection 7 of NRS 432A.170*, or has had a substantiated report of child abuse or neglect made against him or her, the applicant, licensee or operator of the small child care establishment shall terminate the employment of the employee *or the service of the independent contractor* or remove the resident from the facility or establishment or participant from the outdoor youth program after allowing the employee, *independent contractor*, resident or participant time to correct the information as required pursuant to paragraph (b).

(b) If an employee, *independent contractor*, resident or participant believes that the information provided to the applicant, licensee or operator pursuant to paragraph (a) is incorrect, the employee, *independent contractor*, resident or participant must inform the applicant, licensee or operator immediately. The applicant, licensee or operator shall give any such employee, *independent contractor*, resident or participant 30 days to correct the information.

(c) The Division may establish by regulation a process by which it may review evidence upon request to determine whether an employee of an applicant for a license to operate a child care facility, a licensee or operator of a small child care establishment, *an independent contractor who has unsupervised contact with children at a child care facility*, a resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or a participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime ~~listed~~ *described* in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her may remain employed or continue to reside in the facility or establishment, as applicable, despite the conviction. Any such review must be conducted in a

manner which does not discriminate against a person in violation of 42 U.S.C. § 2000e et seq.

(d) If a process for review is established pursuant to paragraph (c), an employee, **independent contractor**, resident or participant, as applicable, may request such a review in the manner established by the Division. Any determination made by the Division is final for purposes of judicial review.

(e) During any period in which an employee, **independent contractor**, resident or participant seeks to correct information pursuant to paragraph (b) or requests a review of information pursuant to paragraph (d), it is within the discretion of the applicant, licensee or operator whether to allow the employee, **independent contractor**, resident or participant to continue to work for or reside at the child care facility or small child care establishment or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

2. The provisions of this section apply to a small child care establishment and an operator of a small child care establishment if the operator of such an establishment has applied or registered with the Division of Welfare and Supportive Services of the Department pursuant to NRS 432A.1756.

3. The Division shall adopt regulations to establish civil penalties to be imposed against any person, state or local government unit or agency thereof that fails to comply with the requirements of this section.

Sec. 10. NRS 432A.1756 is hereby amended to read as follows:

432A.1756 1. A person, state or local government unit or agency thereof that wishes to operate or operates a small child care establishment may register the small child care establishment with the Division of Welfare and Supportive Services of the Department by submitting to the Division of Welfare and Supportive Services on the Internet website of the Division of Welfare and Supportive Services the following information:

(a) The name, address and contact information of the operator of the small child care establishment;

(b) The name and address of the small child care establishment;

(c) An affirmation that the operator of the small child care establishment is in compliance with subsection 2; and

(d) Such additional information as the Division of Welfare and Supportive Services deems necessary.

2. A person shall not serve as the operator of a registered small child care establishment if the person has been convicted of a crime ~~listed~~ ***described*** in subsection 2 of NRS 432A.170 , ***unless the conviction has been set aside pursuant to subsection 7 of that section***, or has had a substantiated report of child abuse or neglect made against him or her.

Sec. 10.3. **NRS 432A.176 is hereby amended to read as follows:**

432A.176 1. ~~(A)~~ **Except as otherwise provided in this section, a** licensee of a child care facility shall ensure that an employee of the child care facility is in the presence of an independent contractor retained by the child

care facility during any period in which the independent contractor is performing any services at the child care facility when a child is present.

2. The employee of the child care facility who is required to be in the presence of the independent contractor pursuant to subsection 1:

- (a) Must be qualified to supervise the children at the child care facility; and
- (b) Shall, during the period for which the independent contractor is performing the services at the child care facility, supervise and ensure the safety of each child at the child care facility.

3. The provisions of this section do not apply to an independent contractor who complies with the requirements of NRS 432A.175 and 432A.1776 and receives any additional training required by regulation of the Board.

Sec. 10.6. NRS 432A.1776 is hereby amended to read as follows:

432A.1776 Each person who is employed in a child care facility **and each independent contractor who has unsupervised contact with children at a child care facility** shall complete at least 2 hours of training in the recognition and reporting of the abuse or neglect of a child, as defined in NRS 432B.020:

- 1. Within 90 days after commencing his or her employment **or service as an independent contractor** in a child care facility; and
- 2. At least once every 5 years thereafter.

Sec. 11. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Division may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

- (a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.
- (b) Aiding, abetting or permitting the commission of any illegal act.
- (c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.
- (d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.
- (e) Conviction of any crime ~~listed~~ **described** in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older ~~††~~, **except for a conviction that has been set aside pursuant to subsection 7 of NRS 432A.170.**

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has ~~been~~:

(1) ***Been*** convicted of a crime ~~listed~~ ***described*** in subsection 2 of NRS 432A.170, ***unless that conviction has been set aside pursuant to subsection 7 of that section;*** or ~~has had~~

(2) ***Had*** a substantiated report of child abuse or neglect made against him or her.

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

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

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

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

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

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

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

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

↪ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

Sec. 12. NRS 432A.720 is hereby amended to read as follows:

432A.720 1. ~~Upon~~ ***Except as otherwise provided in this subsection, upon*** receiving the results of the background and personal history check performed pursuant to subsection 1 of NRS 432A.710, the results of the child abuse and neglect screening pursuant to subsection 2 of NRS 432A.710 or evidence from any other source that a staff member of a person who operates a program that primarily functions as a seasonal or temporary recreation program has been convicted of a crime ~~listed~~ ***described*** in subsection 2 of

NRS 432A.170 , *unless the conviction has been set aside pursuant to subsection 4* or has had a substantiated report of child abuse or neglect made against him or her, the person shall terminate the employment of the staff member after allowing the staff member time to correct the information as required pursuant to subsection 2.

2. If a staff member believes that the information provided to the person who operates a program that primarily functions as a seasonal or temporary recreation program pursuant to subsection 1 is incorrect, the staff member must inform the person immediately. The person shall give any such staff member 30 days to correct the information.

3. During any period in which a staff member seeks to correct information pursuant to subsection 2, it is within the discretion of the person who operates a program that primarily functions as a seasonal or temporary recreation program whether to allow the staff member to continue to work for the program, except that the staff member shall not have contact with a child without supervision during such a period.

4. *The Division may prescribe by regulation a process by which a person who has been convicted of a crime described in paragraph (l) or (m) of subsection 2 of NRS 432A.170 may request the Division to set aside the conviction when determining whether the person is eligible to serve as a staff member of a program that primarily functions as a seasonal or temporary recreation program.*

Sec. 13. 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. 358.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 536.

ASSEMBLYMEN HAFEN, KRAMER, LEAVITT, TITUS; ~~AND~~ HARDY —

KRASNER AND TOLLES

JOINT SPONSOR: SENATOR HAMMOND

SUMMARY—Makes certain changes to attract ~~medical~~ **certain health** professionals to practice in Nevada. (BDR 34-851)

AN ACT relating to health care; creating the Tomorrow's Doctors Program; authorizing the Nevada Office of Rural Health within the University of Nevada School of Medicine to enter into education loan repayment assistance contracts with certain practitioners; **establishing the Nevada Office of Rural Health within the Office of Statewide Initiatives of the University of Nevada School of Medicine**; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill establish the Tomorrow's Doctors Program. Section 8 of this bill creates the Program for the purpose of providing education loan repayment assistance to certain practitioners. Section 8 requires the Nevada Office of Rural Health within the University of Nevada School of Medicine to administer the Program. **Section 8 authorizes the Office, in administering the Program, to work with: (1) the Office of the Western Regional Education Compact; and (2) any other relevant federal, state and local governmental agencies, bodies and officials.** Section 9 of this bill authorizes the **Nevada Office of Rural Health** to enter into education loan repayment assistance contracts with certain practitioners if: (1) **the practitioner agrees to practice in a rural county that is medically underserved for at least 5 years,** the practitioner locates to or continues to practice in **such** a rural county and **, if the practitioner practices in a rural hospital,** the practitioner has a written commitment from a rural hospital that the rural hospital will provide education loan repayment assistance to the practitioner; (2) **the practitioner practices in a rural hospital,** the education loan repayment assistance provided by the Office through the Program does not exceed any such assistance provided by the rural hospital; and (3) certain other requirements are satisfied. Section 10 of this bill requires the Office to adopt regulations governing the administration of the Program. Section 11 of this bill authorizes the Office to accept gifts, grants, bequests and donations to fund the Program in addition to any direct legislative appropriation. Section 12 of this bill requires the Office to submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning the Program.

Existing law establishes the Nevada Office of Rural Health within the University of Nevada School of Medicine. (NRS 396.906) Section 12.7 of this bill establishes the Nevada Office of Rural Health within the Office of Statewide Initiatives of the University of Nevada School of Medicine. Sections 12.3 and 16.5 of this bill make conforming changes.

Section 13 of this bill makes an appropriation to the **Nevada Office of Rural Health** for allocation to the Program for the purpose of entering into education loan repayment assistance contracts with certain practitioners.

Federal law creates the National Health Service Corps Loan Repayment Program. (42 U.S.C. § 2541-1) Federal law authorizes the Secretary of Health and Human Services to make grants to states for the purpose of assisting the states in operating loan repayment programs for the loans of health professionals who provide primary health services in health professional shortage areas. Such grants may not be made to a state unless the state agrees that it will match the federal grants received for such loan repayment programs. (42 U.S.C. § 254q-1) Existing law provides that the University of Nevada School of Medicine may authorize the Nevada Health Service Corps to administer a program under which money for loans is repaid on behalf of a practitioner for each year that he or she practices in an area of Nevada in which

a shortage of that type of practitioner exists. (NRS 396.903) **Section 14** of this bill makes an appropriation to the Office of Finance for allocation to the Nevada Health Service Corps to obtain matching federal funds.

Section 15 of this bill makes an appropriation to the Office of Finance for the purpose of funding Graduate Medical Education Grants.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Education loan repayment assistance” means assistance provided to a practitioner whereby the Office and , if the practitioner practices in a rural hospital, a rural hospital, provide money pursuant to sections 2 to 12, inclusive, of this act to the practitioner for the repayment of the education loans of the practitioner ~~that~~ that were accrued by the practitioner while attending a college or university in this State.*

Sec. 4. *“Office” means the Nevada Office of Rural Health established pursuant to NRS 396.906.*

Sec. 5. *“Practitioner” means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, ~~chiropractor, doctor of Oriental medicine in any form,~~ medical laboratory director or technician, pharmacist, person licensed to engage in social work pursuant to chapter 641B of NRS, marriage and family therapist, clinical professional counselor or other person whose principal occupation is the provision of services for health.*

Sec. 6. *“Program” means the Tomorrow’s Doctors Program created by section 8 of this act.*

Sec. 6.5. *“Rural county” means a county in this State whose population is less than 100,000.*

Sec. 7. *“Rural hospital” ~~has the meaning ascribed to it in NRS 449.0177.~~ means a hospital located within a rural county that is medically underserved.*

Sec. 8. 1. *The Tomorrow’s Doctors Program is hereby created for the purpose of providing, within funding appropriated by the Legislature or accepted by the Office pursuant to section 11 of this act for this purpose, education loan repayment assistance to practitioners pursuant to section 9 of this act.*

2. *The Office shall administer the Program. In administering the Program, the Office may work with:*

(a) The Office of the Western Regional Education Compact; and

(b) Any other relevant federal, state and local governmental agencies, bodies and officials.

Sec. 9. ~~It~~ In addition to any money received by the practitioner for the repayment of loans pursuant to NRS 396.903, the Office may enter into an education loan repayment assistance contract with a practitioner if ~~it~~ (a) the following conditions are met:

1. The practitioner:

~~(1)~~ (a) Agrees to practice in a rural county that is medically underserved for at least 5 years;

(b) Locates to or continues to practice in such a rural county; and

~~(2) Has~~

(c) If the practitioner practices in a rural hospital, has a written commitment from ~~it~~ the rural hospital that the rural hospital will provide education loan repayment assistance to the practitioner;

~~(b) The~~

2. If the practitioner practices in a rural hospital, the education loan repayment assistance provided by the Program does not exceed the education loan repayment assistance provided by the rural hospital; and

~~(c)~~ 3. The practitioner is otherwise eligible for education loan repayment assistance pursuant to any regulations adopted by the Office pursuant to section 10 of this act.

~~2. As used in this section, "rural county" means a county in this State whose population is less than 100,000.~~

Sec. 10. The Office shall adopt regulations governing the administration of the Program, including, without limitation, regulations that prescribe:

1. How a practitioner may apply to participate in the Program;

2. Procedures and standards for determining the eligibility of a practitioner for education loan repayment assistance;

3. ~~The~~ If a practitioner practices in a rural hospital, the procedure for verifying the amount provided by ~~it~~ the rural hospital to ~~it~~ the practitioner for education loan repayment assistance;

4. Any conditions that a practitioner must comply with to participate in the Program;

5. The methodology by which the Office will calculate the amount of education loan repayment assistance to be provided to a practitioner;

6. Penalties for a practitioner's failure to comply with any conditions or other terms of an education loan repayment assistance contract; and

7. Criteria for modifying or waiving conditions or penalties for good cause shown by the practitioner or in a case where a practitioner has shown extreme hardship.

Sec. 11. In addition to any direct legislative appropriation from the State General Fund, the Office may accept gifts, grants, bequests and donations to fund the Program.

Sec. 12. *On or before February 1 of each odd-numbered year, the Office shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report on the Program which must include, without limitation, information regarding:*

1. The number of practitioners who received education loan repayment assistance; and

2. The revenues and expenditures of the Program.

Sec. 12.3. **NRS 396.903 is hereby amended to read as follows:**

396.903 1. The University of Nevada School of Medicine may authorize the Nevada Health Service Corps to administer a program under which money for loans is repaid on behalf of a practitioner for each year he or she practices in an area of Nevada in which a shortage of that type of practitioner exists, as determined by the Nevada Office of Rural Health within the *Office of Statewide Initiatives of the* University of Nevada School of Medicine and the Nevada Health Service Corps.

2. To qualify for the program, a practitioner required to be licensed pursuant to the provisions of chapter 630, 630A, 633 or 634 of NRS must have completed his or her primary care residency and hold an active license issued pursuant to chapter 630, 630A, 633 or 634 of NRS. All other practitioners must have completed training in a certified program and have an active license, certification or registration from the State of Nevada.

Sec. 12.7. **NRS 396.906 is hereby amended to read as follows:**

396.906 1. The Nevada Office of Rural Health is hereby established within the *Office of Statewide Initiatives of the* University of Nevada School of Medicine to administer matters relating to the delivery of health care services to rural and frontier areas in this state. The Nevada Office of Rural Health shall:

(a) Evaluate the need for programs concerning the delivery of health care services to rural and frontier areas in this state and make recommendations to the University of Nevada School of Medicine and the Legislature to carry out such programs; and

(b) Establish, administer and coordinate programs which affect the delivery of health care services to rural and frontier areas in this state, including, without limitation, programs relating to:

(1) The education and training of providers of health care who provide services in rural and frontier areas;

(2) The needs of rural and frontier areas for health care services and the manner in which such health care services may be effectively delivered;

(3) The delivery of health care services to rural and frontier areas;

(4) The financing of the delivery of health care services to rural and frontier areas; or

(5) The collection of data necessary for the Nevada Office of Rural Health to carry out its duties concerning the delivery of health care services to rural and frontier areas.

2. Any gift, donation, bequest, grant or other source of money received by the Nevada Office of Rural Health may be used to carry out the provisions of this section.

Sec. 13. 1. There is hereby appropriated from the State General Fund to the Nevada Office of Rural Health within the **Office of Statewide Initiatives of the** University of Nevada School of Medicine the sum of \$250,000 for allocation to the Tomorrow’s Doctors Program created pursuant to section 8 of this act for the purpose of entering into education loan repayment assistance contracts with practitioners pursuant to section 9 of this act.

2. Any remaining balance of the appropriation made by subsection 1 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. 14. 1. There is hereby appropriated from the State General Fund to the Office of Finance the sum of \$250,000 for allocation to the Nevada Health Service Corps created pursuant to NRS 396.900 for the purpose of obtaining matching federal funds.

2. Any remaining balance of the appropriation made by subsection 1 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. 15. 1. There is hereby appropriated from the State General Fund to the Office of Finance for the purpose of funding Graduate Medical Education Grants the following sums:

For the Fiscal Year 2019-2020	\$10,500,000
For the Fiscal Year 2020-2021	\$10,500,000

2. Any remaining balance of the appropriation made by subsection 1 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 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.

Sec. 16. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 16.5. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 17. This act becomes effective upon passage and approval.

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. 382.

Bill read second time.

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

Amendment No. 449.

AN ACT relating to State Government; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to conduct biennial surveys relating to the compensation of certain classified employees in the Department of Public Safety **and in the Department of Corrections** and make certain related revisions to the pay plan for such classified employees in certain circumstances; requiring the inclusion of certain expenditures relating to the compensation of those employees ~~of the Department of Public Safety~~ in the proposed budget for the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Administrator of the Division of Human Resource Management of the Department of Administration to prepare a pay plan for all employees in the classified service. Under existing law, each employee in the classified service is required to be paid at the rates set forth in the pay plan for the class of position in which the employee is employed and when necessary money is available for the payment. Existing law authorizes the Administrator to make recommendations to the Legislature during legislative sessions regarding salaries for the classified service based on several factors, including salary surveys of comparable jobs in government and private industry in Nevada and western states. (NRS 284.175)

__ Under existing law, the sworn personnel of the Department of Public Safety have the powers of a peace officer. (NRS 289.270) **Existing law authorizes the Director of the Department of Corrections to designate employees of the Department as peace officers. (NRS 289.220) Existing law also classifies peace officers as being within category I, category II or category**

III and the peace officers in each such category are designated as having certain powers and must meet certain training and educational requirements. (NRS 289.460, 289.470, 289.480) Under existing law, a category III peace officer is a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. (NRS 289.480)

Section 1 of this bill requires the Administrator to conduct a survey of the salaries and other compensation paid to: (1) sworn personnel and dispatch personnel of the Department of Public Safety who are in the classified service ~~[-]~~ **and classified employees of the Department of Corrections who are category III peace officers;** and (2) comparable positions in the law enforcement agencies of the three most populous cities in Nevada and of the two most populous counties in Nevada. Section 2 of this bill makes a conforming change.

Existing law requires the Chief of the Budget Division of the Office of Finance in the Office of the Governor to include certain information in the proposed biennial budget for the Executive Department of the State Government. (NRS 353.185) Section 3 of this bill requires the Chief of the Budget Division to set forth in the biennial proposed budget for the Executive Department proposed expenditures for salaries of the sworn personnel and dispatch personnel of the Department of Public Safety who are in the classified service ~~[-, which are]~~ **and classified employees of the Department of Corrections who are category III peace officers. Section 3 requires that the proposed expenditures be** based on the rates established in the pay plan after the biennial survey concerning those salaries has been conducted by the Administrator. Section 4 of this bill requires ~~the~~ **each** Department to submit estimates of that information separately to the Chief.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each even-numbered year, the Administrator shall conduct a survey of the salaries and other compensation paid to:

(a) Classified employees of the Department of Public Safety who are sworn personnel and employees who serve in positions with corresponding ranks and similar duties with the law enforcement agencies of the three most populous incorporated cities in this State and the law enforcement agencies of the two most populous counties in this State; ~~and~~

(b) Classified employees of the Department of Public Safety whose duties involve providing dispatch services and employees who serve in positions with similar duties with the law enforcement agencies of the three most populous incorporated cities in this State and the law enforcement agencies of the two most populous counties in this State ~~[-]~~; and

(c) Classified employees of the Department of Corrections who are category III peace officers and employees who serve in positions with corresponding ranks and similar duties with the law enforcement agencies of the three most populous incorporated cities in this State and the law enforcement agencies of the two most populous counties in this State.

2. The survey conducted pursuant to subsection 1 must include, without limitation, the following information for each position:

- (a) Base salary ~~is~~ as calculated pursuant to subsection 3 of NRS 286.421;
- (b) Any longevity pay;
- (c) Any incentive pay; and
- (d) ~~Any retirement contribution made by the employer on behalf of the employee pursuant to chapter 286 of NRS; and~~
- ~~(e)~~ The average amount, if any, paid or contributed solely for the employee by the employer for the cost of premiums or contributions for life, accident or health insurance or benefits, or any combination thereof, pursuant to chapter 287 of NRS.

3. Within 30 days after a survey is conducted pursuant to subsection 1, the Administrator shall calculate the rate of compensation for the classified employees ~~of the Department of Public Safety~~ regarding whom the survey was conducted as the sum of the following ~~three~~ amounts:

- (a) The average amount of the base salary, longevity pay and incentive pay received by the employees of local law enforcement agencies with comparable years of service reported in the survey; and
- (b) ~~The average amount of the retirement contribution paid pursuant to chapter 286 of NRS by the local law enforcement agencies on behalf of the employees of local law enforcement agencies reported in the survey; and~~
- ~~(c)~~ The difference between the amount paid by the Department of Public Safety or the Department of Corrections, as applicable, for the cost of premiums or contributions for life, accident or health insurance or benefits, or any combination thereof, pursuant to chapter 287 of NRS for the classified employees of the applicable Department regarding whom the survey was conducted and the average amount paid or contributed by the local law enforcement agencies for the cost of premiums or contributions solely for an employee for life, accident or health insurance or benefits, or any combination thereof, pursuant to chapter 287 of NRS for the employees of local law enforcement agencies reported in the survey.

4. If the rate of compensation for any classified employee of the Department of Public Safety or the Department of Corrections regarding whom the survey was conducted that is calculated pursuant to subsection 3 is different from the rate for that employee in the pay plan prepared pursuant to NRS 284.175 that is in effect, the Administrator shall amend the rates in the pay plan to the rates calculated pursuant to subsection 3.

5. The Administrator shall provide the results of a survey conducted pursuant to subsection 1 to:

(a) *The Chief of the Budget Division of the Office of Finance on or before August 1 immediately following the conduct of the survey; and*

(b) *The Director of the Legislative Counsel Bureau for transmittal to the Legislature on or before 14 calendar days before the commencement of the next regular legislative session.*

6. As used in this section ~~["sworn"]~~:

(a) *"Category III peace officer" has the meaning ascribed to it in NRS 289.480.*

(b) *"Sworn personnel" means employees who have the powers of a peace officer pursuant to NRS 289.270.*

Sec. 2. NRS 284.175 is hereby amended to read as follows:

284.175 1. After consultation with appointing authorities and state fiscal officers, the Administrator shall prepare a pay plan for all employees in the classified service.

2. The pay plan and its amendments become effective only after approval by the Governor.

3. The pay plan must include, without limitation, ranges for each class, grade or group of positions in the classified service. Each employee in the classified service must be paid at one of the rates set forth in the pay plan for the class of position in which the employee is employed and at such time as necessary money is made available for the payment.

4. The Commission shall adopt regulations to carry out the pay plan.

5. ~~That~~ *Except as otherwise provided in section 1 of this act, the Administrator may make recommendations to the Legislature during regular legislative sessions concerning salaries for the classified service of the State. In making such recommendations, the Administrator shall consider factors such as:*

(a) *Surveys of salaries of comparable jobs in government and private industry within the State of Nevada and western states, where appropriate;*

(b) *Changes in the cost of living;*

(c) *The rate of turnover and difficulty of recruitment for particular positions; and*

(d) *Maintaining an equitable relationship among classifications.*

Sec. 3. NRS 353.185 is hereby amended to read as follows:

353.185 The powers and duties of the Chief are:

1. To appraise the quantity and quality of services rendered by each agency in the Executive Department of the State Government, and the needs for such services and for any new services.

2. To develop plans for improvements and economies in organization and operation of the Executive Department, and to install such plans as are approved by the respective heads of the various agencies of the Executive Department, or as are directed to be installed by the Governor or the Legislature.

3. To cooperate with the State Public Works Division of the Department of Administration in developing comprehensive, long-range plans for capital improvements and the means for financing them.

4. To devise and prescribe the forms for reports on the operations of the agencies in the Executive Department to be required periodically from the several agencies in the Executive Department, and to require the several agencies to make such reports.

5. To prepare the executive budget report for the Governor's approval and submission to the Legislature.

6. To prepare a proposed budget for the Executive Department of the State Government for the next 2 fiscal years, which must:

(a) Present a complete financial plan for the next 2 fiscal years;

(b) Set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the Executive Department of the State Government, including those operating on funds designated for specific purposes by the Constitution or otherwise, which must include a separate statement of:

(1) ***The proposed expenditures for the salaries and other compensation of the classified employees ~~of the Department of Public Safety~~ regarding whom a survey is conducted pursuant to section 1 of this act, which must be calculated at least at the rates set forth in the pay plan prepared pursuant to NRS 284.175, as most recently amended pursuant to section 1 of this act;***

(2) The anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the next 2 fiscal years and of each capital improvement constructed on or after July 1, 1999, which is to be used during those fiscal years or a future fiscal year; and

~~{(2)}~~ (3) The proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during the next 2 fiscal years;

(c) Set forth all charges for interest and debt redemption during the next 2 fiscal years;

(d) Set forth all expenditures for capital projects to be undertaken and executed during the next 2 fiscal years, and which must, to the extent practicable, provide that each capital project which exceeds a cost of \$10,000,000 be scheduled to receive funding for design and planning during one biennium and funding for construction in the subsequent biennium; and

(e) Set forth the anticipated revenues of the State Government, and any other additional means of financing the expenditures proposed for the next 2 fiscal years.

7. To examine and approve work programs and allotments to the several agencies in the Executive Department, and changes therein.

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have

been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature or for publication.

9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the State Government.

10. To prepare such statements of unit costs and other statistics relating to cost as may be required from time to time, or requested by the Governor or the Legislature.

11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the Executive Department of the State Government of the State of Nevada as the Governor may require.

Sec. 4. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsections 6 and 7, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of full-time equivalent positions within the department, institution or agency.

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy.

(c) Any existing contracts for services the department, institution or agency has with temporary employment services or other persons, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such services. If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(d) Estimates of expenditure requirements of the department, institution or agency, together with all anticipated income from fees and all other sources,

for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. ***The Department of Public Safety and the Department of Corrections shall each submit separately as an estimate pursuant to this paragraph the estimated expenditure requirements for the salaries and other compensation of the classified employees of the applicable Department ~~of Public Safety~~ regarding whom a survey is conducted pursuant to section 1 of this act at the rates set forth in the pay plan prepared pursuant to NRS 284.175, as most recently amended pursuant to section 1 of this act.***

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Office of Finance shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Office of Finance and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures by program or budgetary account and by category of expense, and must include a mission statement and measurement indicators in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

7. On or before September 1 of each even-numbered year, the Tahoe Regional Planning Agency shall submit the budget which the Agency proposes to submit to the Legislature to:

(a) The Chief for his or her information in preparing the proposed executive budget.

(b) The Fiscal Analysis Division of the Legislative Counsel Bureau.

8. The information provided by a department, institution or agency pursuant to paragraph (c) of subsection 1 is a public record and must be open to public inspection.

9. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are:

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. 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. 416.

Bill read second time.

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

Amendment No. 366.

AN ACT relating to criminal procedure; revising provisions relating to the collection of delinquent fines, administrative assessments, fees or restitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to impose a collection fee against a defendant for any delinquent fine, administrative assessment, fee or restitution. Existing law authorizes a state or local entity responsible for collecting such a delinquent fine, administrative assessment, fee or restitution to take certain actions, including reporting the delinquency to credit reporting agencies. Existing law also authorizes the court to take certain actions, including: (1) entering a civil judgment for the amount due in favor of the state or local entity responsible for collecting the delinquent amount; (2) requesting that a prosecuting attorney undertake collection of the delinquency by attachment or garnishment of the property of the defendant, wages or other money receivable; (3) ordering the suspension of the driver's license of the defendant or prohibiting the defendant from applying for a driver's license for a specified period; and (4) for a delinquent fine or administrative assessment, ordering the

confinement of the person in the appropriate prison, jail or detention facility. (NRS 176.064)

Section 2 of this bill revises provisions relating to the procedure for collecting such delinquent fines, administrative assessments, fees or restitution. **Section 2** removes the ability of a state or local entity responsible for collecting a delinquent amount to report the delinquency to credit reporting agencies and removes the ability of the court to request that a prosecuting attorney undertake collection of the delinquency. ~~for to~~ **Section 2 also specifies that a court may only order the suspension of the driver's license of ~~the~~ a defendant or prohibit a defendant from applying for a driver's license ~~for~~ for a specified period if the court determines that the defendant: (1) has the ability to pay the amount due and is willfully avoiding payment; or (2) was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service.** **Section 2** thereby authorizes a state or local entity responsible for collecting a delinquent amount to: (1) request that the court enter a civil judgment for the amount due in favor of the state or local entity, **suspend the driver's license of the defendant or prohibit the defendant from applying for a driver's license in such specified circumstances** and, if the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility; and (2) contract with a licensed collection agency to collect the delinquent amount and the collection fee. ~~Sections 3 and 4 of this bill make conforming changes.~~

Section ~~1.1~~ 1.7 of this bill provides that any delinquent fine, administrative assessment or fee owed by a defendant is deemed to be uncollectible if after ~~5~~ **8** years it remains impossible or impracticable to collect the delinquent amount.

Section 1.3 of this bill establishes the circumstances in which a person is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee.

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:~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. *For the purposes of this chapter, a person is presumed to be indigent and not to have the ability to pay a fine, administrative assessment or fee imposed pursuant to this chapter if the person:*

- 1. *Receives public assistance, as that term is defined in NRS 422A.065;***
- 2. *Resides in public housing, as that term is defined in NRS 315.021; or***
- 3. *Has a household income that is less than 200 percent of the federally designated level signifying poverty.***

Sec. 1.7. *Any delinquent fine, administrative assessment or fee owed by a defendant pursuant to NRS 176.064 is deemed to be uncollectible if after ~~5~~ 8 years it remains impossible or impracticable to collect the delinquent amount.*

Sec. 2. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take ~~any or all of~~ the following actions:

(a) ~~Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.~~

~~(b)~~ Request that the court take appropriate action pursuant to subsection 3.

~~(c)~~ (b) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take ~~any or all of~~ the following actions : ~~in the following order of priority if practicable:~~

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) ~~{Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to paragraph (a) and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.~~

~~—(c) Order~~ **If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order** the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

~~—(d) For a delinquent fine or administrative assessment,~~

(c) If the court determines that the ~~person~~ defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the ~~person~~ **defendant** in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

Sec. 3. ~~NRS 483.443 is hereby amended to read as follows:~~

~~483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:~~

~~(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or~~

~~(b) Is in arrears in the payment for the support of one or more children,~~
~~→ send a written notice to that person that his or her driver's license is subject to suspension.~~

~~2. The notice must include:~~

~~(a) The reason for the suspension of the license;~~

~~(b) The information set forth in subsections 3, 5 and 6; and~~

~~(c) Any other information the Department deems necessary.~~

~~3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.~~

~~4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420. [or 176.064.]~~

~~5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:~~

~~(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section [or from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064~~

~~has been discharged] or from a judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and~~

~~—(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.~~

~~—6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license. **(Deleted by amendment.)**~~

Sec. 4. ~~NRS 483.460 is hereby amended to read as follows:~~

~~483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:~~

~~—(a) For a period of 3 years if the offense is:~~

~~—(1) A violation of subsection 6 of NRS 484B.653.~~

~~—(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.~~

~~—(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.~~

~~—(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.~~

~~* The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.~~

~~—(b) For a period of 1 year if the offense is:~~

~~—(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.~~

~~—(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.~~

~~—(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.~~

~~—(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.~~

~~—(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.~~

~~—(6) A violation of NRS 484B.550.~~

~~—(e) For a period of not less than 185 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.~~

~~—2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.~~

~~—3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.~~

~~—4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460 but who operates a motor vehicle without such a device:~~

~~—(a) For 3 years, if it is his or her first such offense during the period of required use of the device.~~

~~—(b) For 5 years, if it is his or her second such offense during the period of required use of the device.~~

~~—5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.~~

~~—6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS [176.064,] 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.~~

~~—7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.† (Deleted by amendment.)~~

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. 429.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 248.

AN ACT relating to veterans; requiring the Department of Employment, Training and Rehabilitation to designate certain critical need occupations; ~~requiring the Department to determine whether certain grants are available and apply for such grants;~~ authorizing the Board of Regents of the University of Nevada to grant a waiver of certain fees to veterans who enroll in certain graduate degree programs; **authorizing the Board of Regents of the University of Nevada to determine whether certain grants are available and apply for such grants;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Employment, Training and Rehabilitation. (NRS 232.900-232.960) The Department works to support employment and economic independence for disadvantaged, displaced or disabled residents of this State. (NRS 232.910) **Section 1** of this bill requires the Department to designate occupations as critical need occupations within the fields of science, technology, engineering, arts, ~~or~~ mathematics **or health science** for the purposes of waiving fees pursuant to **section 4** of this bill. ~~[Section 1 also requires the Department to apply for grants to assist the Nevada System of Higher Education in funding the costs of the waiver of fees granted to a veteran pursuant to section 4. Section 1 authorizes the Department to accept gifts, grants and donations or other sources of money to defray certain costs incurred by the Department. Section 1 further requires the Department to donate to the Nevada System of Higher Education any money remaining from such gifts, grants and donations or other sources after payment of the Department's costs.]~~ **Section 2** of this bill makes a conforming change.

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of certain fees for certain persons with a connection to the Armed Forces. (NRS 396.544, 396.5442, 396.5445) **Section 4** authorizes the Board of Regents to grant a partial waiver of registration fees and other fees to a veteran in certain circumstances. **Section 4** requires that a veteran may receive such a grant only if: (1) the veteran has completed a bachelor's degree and is enrolled in or plans to enroll in a graduate degree program related to certain occupations in science, technology, engineering, arts, ~~and~~ mathematics ~~and~~ **and health science;** and (2) the veteran or a third party will cover the remainder of the cost of the graduate degree program. **Section 4** also requires the veteran to maintain a 2.0 grade point average. **Section 5** of this bill authorizes the Board of Regents to **apply for grants to assist the Nevada System of Higher Education in funding the costs of the waiver of fees granted to a veteran pursuant to section 4. Section 5 also authorizes the Board of Regents to** accept gifts, grants, bequests and donations of money to fund the cost of providing the waiver of fees to a veteran.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

~~**1.** The Department shall designate which occupations are critical need occupations within science, technology, engineering, arts, ~~for~~ mathematics or health science fields for the purpose of a waiver of registration fees and other fees granted to a veteran pursuant to section 4 of this act.~~

~~**2.** The Department shall determine whether grants are available to assist the Nevada System of Higher Education in defraying the costs of granting the waiver of registration fees and other fees to a veteran pursuant to section 4 of this act and apply for and accept any such grant.~~

~~**3.** The Department may accept gifts, grants and donations or other sources of money for the purposes of carrying out the provisions of this section. The Department shall donate to the Nevada System of Higher Education, to be used to support the waiver of fees pursuant to section 4 of this act, any money remaining from such sources at the end of each fiscal year after the Department pays its expenses to carry out the provisions of this section.~~

Sec. 2. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.960, inclusive, **and section 1 of this act**, unless the context otherwise requires:

1. “Department” means the Department of Employment, Training and Rehabilitation.

2. “Director” means the Director of the Department.

Sec. 3. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. 1. *The Board of Regents may grant a waiver of not less than half of the total registration fees and other fees for a veteran who is a bona fide resident of this State if:*

(a) The veteran has completed a bachelor’s degree and is enrolled in or plans to enroll in a graduate degree program within the fields of science, technology, engineering, arts, ~~for~~ mathematics or health science designated as a critical need occupation by the Department of Employment, Training and Rehabilitation pursuant to section 1 of this act; and

(b) The veteran or a third party will pay the remainder of the registration fees and other fees of the graduate degree program.

↪ For the purpose of this subsection, a scholarship or a waiver of registration fees or other fees received by the veteran for any reason other than this subsection is deemed to be a payment by a third party.

2. A veteran is eligible for a waiver pursuant to subsection 1 if the veteran maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

3. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 5. 1. The Board of Regents may determine whether grants are available to assist the Nevada System of Higher Education in defraying the costs of granting the waiver of registration fees and other fees to a veteran pursuant to section 4 of this act and apply for and accept any such grant.

2. The Board of Regents may accept gifts, grants, bequests and donations to fund waivers of registration fees and other fees granted to veterans pursuant to section 4 of this act.

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

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. 432.

Bill read second time.

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

Amendment No. 494.

~~ASSEMBLYMAN~~ **ASSEMBLYMEN FRIERSON ; AND ASSEFA**

AN ACT relating to business entities; establishing provisions governing worker cooperative corporations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions relating to nonprofit cooperative corporations and cooperative associations. (Chapter 81 of NRS) **Sections 2-31** of this bill establish provisions relating to worker cooperative corporations.

Section 11 of this bill authorizes a private corporation to elect to be governed as a worker cooperative corporation. **Section 11** requires that such a worker cooperative corporation be governed by chapter 78 of NRS unless such provisions conflict with **sections 2-31**.

Section 12 of this bill sets forth various requirements for the articles of incorporation or bylaws of a worker cooperative corporation with regards to membership in a worker cooperative corporation, and **sections 15 and 16** of this bill establish requirements for the expulsion, termination or suspension of a member as well as remedies for a member whose membership was expelled, terminated or suspended. **Section 13** of this bill also establishes the qualifications ~~and~~ duties **and considerations** of directors of a worker cooperative corporation.

Section 14 of this bill provides for a worker cooperative corporation to issue membership shares and other capital stock. **Section 14** also specifies the respective rights of members and stockholders as related to such membership shares and stock.

Sections 17-24 of this bill establish requirements relating to meetings of the worker cooperative corporation and notice requirements for such meetings. **Section 25** of this bill authorizes the board of directors to distribute ballots for

the purpose of member voting and prescribes the requirements governing such voting procedures.

Sections 26-28 of this bill authorize a worker cooperative corporation to declare patronage dividends from net earnings and authorize a worker cooperative corporation to set up a series of internal capital accounts, divisible reserve accounts and indivisible reserve accounts.

Section 29 of this bill authorizes a worker cooperative corporation to act as an internal capital account cooperative.

Section 30 of this bill authorizes a corporation to revoke its election to be governed as a worker cooperative corporation and provides the procedure for such a revocation. **Section 31** of this bill prohibits a worker cooperative corporation from merging with another corporation unless the merger is with another worker cooperative corporation under certain circumstances.

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

Section 1. Chapter 81 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

Sec. 2. *The Legislature hereby finds and declares that a worker cooperative:*

1. Has the purpose of creating and maintaining sustainable jobs and generating wealth.

2. Is essential to:

(a) Improving the quality of life of the members of the worker cooperative;

(b) Dignifying human work;

(c) Allowing democratic self-management of employees; and

(d) Promoting community and local development in this State.

Sec. 3. *As used in sections 2 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Member” means a natural person who:*

1. Has been accepted for membership in a worker cooperative; and

2. Owns a membership share issued by a worker cooperative.

Sec. 5. *“Membership share” means a single class of stock that has unlimited voting rights issued by a worker cooperative to a member.*

Sec. 6. *“Patronage” means the amount of work performed by a member measured in accordance with the articles of incorporation and bylaws of a worker cooperative.*

Sec. 7. *“Patronage dividend” means a dividend or distribution of net income made on the basis of patronage.*

Sec. 8. *“Quorum” means a simple majority of the members.*

Sec. 9. *“Worker cooperative” means a corporation which has elected to be governed by the provisions of sections 2 to 31, inclusive, of this act.*

Sec. 10. “Written notice of allocation” means a written instrument which discloses to a member the stated dollar amount of his or her patronage dividend and the terms for payment of that amount by a worker cooperative to the member.

Sec. 11. 1. A corporation formed pursuant to chapter 78 of NRS may elect to be governed as a worker cooperative under the provisions of sections 2 to 31, inclusive, of this act and such an election must be stated in the articles of incorporation of the corporation or in an amendment to the articles of incorporation of the corporation filed pursuant to chapter 78 of NRS.

2. The provisions of chapter 78 of NRS govern a worker cooperative established pursuant to sections 2 to 31, inclusive, of this act, except to the extent that the provisions of chapter 78 of NRS are inconsistent with sections 2 to 31, inclusive, of this act.

Sec. 12. 1. The articles of incorporation or bylaws of a worker cooperative must establish:

(a) The qualifications for membership, including, without limitation, that a member must be employed by the worker cooperative on a full- or part-time basis; and

(b) The method of acceptance, expulsion, termination and suspension of members.

2. At least 51 percent of the members of a worker cooperative must be employees of the worker cooperative.

3. An authorized and voluntary leave of absence from a worker cooperative by a member of the worker cooperative must not revoke the membership status of the member.

4. Members shall have all the rights and responsibilities of a stockholder of a corporation pursuant to chapter 78 of NRS.

Sec. 13. 1. A majority of the directors on the board of directors of a worker cooperative must be members.

2. The board of directors shall meet with the members not less than annually.

3. A majority vote of the members shall override any decision by the board of directors, unless the articles of incorporation or bylaws of the worker cooperative require a larger percentage of the vote to override such a decision.

4. A meeting in which the members will vote whether to override a decision of the board of directors must be called by at least 5 percent of the members.

5. The board of directors of a worker cooperative, in exercising their respective powers with a view of the interests of the worker cooperative, may:

(a) Consider all relevant facts, circumstances, contingencies or constituencies, including, without limitation:

(1) The interests of the members, employees, suppliers, creditors and customers of the worker cooperative;

(2) The economy of this State or the nation;

(3) The interests of the community or society;

(4) The local and global environment;

(5) The long-term and short-term interests of the worker cooperative, including, without limitation, the possibility that such interests may be best served by control of the worker cooperative remaining unchanged; and

(6) The long-term and short-term interests of the members and shareholders, as applicable, of the worker cooperative.

(b) Consider or assign weight to the interests of any particular person or group, or to any other relevant facts, circumstances, contingencies or constituencies.

Sec. 14. 1. Each member shall own one membership share, and only members may own such shares.

2. Membership shares:

(a) Must be issued for a fee determined by the board of directors of the worker cooperative.

(b) Must not be considered a security.

3. Except as otherwise provided in subsection 4:

(a) No shares of the corporation other than membership shares may be given voting power in a worker cooperative.

(b) The power to amend or repeal the bylaws of a worker cooperative may only be given to the members.

4. An amendment that adversely affects the rights of the holders of corporate shares other than membership shares may not be adopted without the vote of such shareholders pursuant to chapter 78 of NRS.

Sec. 15. 1. An expulsion, termination or suspension of a member which deviates from the procedural requirements of this section is void and without effect.

2. An expulsion, termination or suspension of a member must be performed in good faith and in a fair and reasonable manner.

3. A procedure for the expulsion, termination or suspension of a member is fair and reasonable if such a procedure is set forth in the articles of incorporation or bylaws of a worker cooperative and the procedure:

(a) Provides 15 days' notice of the expulsion, termination or suspension and such notice includes, without limitation, a reason for the expulsion, termination or suspension; and

(b) Gives the member an opportunity to be heard, orally or in writing, before a person or body authorized to make such a decision regarding the expulsion, termination or suspension not less than 5 days before the effective date of the expulsion, termination or suspension.

4. A court may determine that a procedure for the expulsion, termination or suspension of a member was fair and reasonable pursuant to subsection 2.

5. The notice pursuant to subsection 3 must be reasonably calculated to provide actual notice to a member. The notice may be served by first-class or

registered mail sent to the last known address of the member as shown in the records of the worker cooperative.

6. A member who is expelled, terminated or suspended is liable for any services or benefits actually rendered, dues, assessments, fees or charges incurred before his or her expulsion, termination or suspension.

Sec. 16. 1. An action challenging an expulsion, termination or suspension of a member, including, without limitation, a claim alleging defective notice, pursuant to section 15 of this act must be commenced within 1 year after the date of the expulsion, termination or suspension.

2. If a member is successful in his or her claim pursuant to subsection 1, a court may order any relief, including, without limitation, the reinstatement of a membership.

3. Unless a court finds that the member was expelled, terminated or suspended in bad faith in order to effect the outcome of a vote, a decision made by a vote of the members or the board of directors of a workers cooperative must not be set aside because a member was successful in his or her claim pursuant to subsection 1.

Sec. 17. 1. For a meeting during which members are required or permitted to vote, notice must be given, in writing, not less than 10 days or more than 90 days before the date of the meeting. Such notice must be provided to each member who, on the record date, is entitled to vote.

2. Except as otherwise provided in this subsection, if the notice pursuant to subsection 1 is provided by mail, such notice must be given not less than 20 days before the meeting. If the notice is mailed by first-class, registered or certified mail, such notice must be given not less than 10 days before the meeting.

3. If a member submits a written request to hold a special meeting to the chair of the board of directors, president, vice president or secretary of a worker cooperative, the special meeting must be held not less than 35 days and not more than 90 days after the receipt of such a request. The requesting member must not be a director of the board of directors.

4. If notice of a special meeting is not given within 20 days after a request is submitted pursuant to subsection 3:

(a) The member requesting the special meeting pursuant to subsection 3 may provide notice to the members in accordance with the requirements of subsection 3; or

(b) The member may request that a district court order service of the notice pursuant to subsection 3.

5. A district court shall provide a worker cooperative with an opportunity to be heard before the court makes an order pursuant to paragraph (b) of subsection 4.

Sec. 18. 1. Before a meeting consisting of only members, personal notice must be given to each member not less than 48 hours before the meeting. Such notice must be provided to each member who, on the record date, is entitled to vote.

2. Any decision made at a meeting held pursuant to subsection 1 may be vetoed by a member who:

- (a) Was not present at the meeting; and
- (b) Did not receive 48 hours' notice,

↳ unless a majority of the members or another percentage of the members as specified in the articles of incorporation or the bylaws of the worker cooperative were present at the meeting.

Sec. 19. Notice of a meeting given pursuant to section 17 or 18 of this act must include, without limitation:

- 1. The place, date and time of the meeting;
- 2. A description of the general nature of the matters before the board of directors or members, as applicable;
- 3. If a director is to be elected, the names of each of the candidates for such a position; and
- 4. If applicable, information regarding the electronic or video transmission of the meeting.

Sec. 20. 1. Except as otherwise provided in section 18 of this act, notice may be provided by:

- (a) Personal service;
- (b) Electronic transmission;
- (c) Mail; or
- (d) Any other means of written communication.

2. An affidavit executed by a secretary, assistant secretary or transfer agent of a worker cooperative attesting that notice was served in accordance with sections 17 to 22, inclusive, of this act shall be deemed prima facie evidence that proper notice was given by the worker cooperative.

Sec. 21. 1. Except as otherwise provided in subsection 2, notice of a meeting given by mail or through other written communication pursuant to section 20 of this act must be addressed to a member at his or her last known address as provided in the records of the worker cooperative.

2. If there is no known address of a member in the records:

- (a) The worker cooperative must use the address of the principal place of business of the worker cooperative; or
- (b) The notice must be published, one time, in a newspaper of general circulation in the county in which the principal place of business of the worker cooperative is located.

3. If a mailed notice of a meeting is returned by the United States Postal Service as being undeliverable to an address of a member, all future such notices shall be deemed to have been duly given unless the member makes a written demand to the worker cooperative for a copy of the notice, at which time the notice must be provided by the worker cooperative to the member if the demand was made within 1 year after the original notice was returned as undeliverable.

Sec. 22. Notice of a meeting may not be given by electronic transmission pursuant to section 20 of this act if:

1. A worker cooperative is unable to deliver two consecutive notices to the member by electronic transmission; or

2. A secretary, assistant secretary, transfer agent or any other person knows that the notice is unable to be delivered by electronic transmission.

Sec. 23. 1. Unless otherwise provided by the articles of incorporation or bylaws of a worker cooperative, when a meeting is adjourned to another time or place, notice of the adjournment need not be given to the members of the original meeting if the time and place that the meeting will commence is announced before the adjournment.

2. If an adjournment pursuant to subsection 1 is taken for more than 45 days, or if a new record date is set after an adjournment, notice of the adjournment must be given in accordance with sections 17 to 23, inclusive, of this act to each member entitled to vote.

3. At the commencement of the adjourned meeting, the worker cooperative may transact any business that would have been transacted at the original meeting.

Sec. 24. 1. Any business transacted at a meeting that does not meet the notice requirements pursuant to sections 17 to 23, inclusive, of this act is valid if:

(a) There was a quorum of the members present at the meeting; and

(b) Each member not present at such a meeting:

(1) Was provided a written waiver of the notice;

(2) Consented to the holding of the meeting without his or her presence;

or

(3) Approved the minutes of the meeting in writing.

2. The attendance of a person at a meeting constitutes waiver of the notice pursuant to subsection 1 unless the person objects at the beginning of the meeting to the transaction of business at the meeting on the basis of improper notice pursuant to sections 17 to 23, inclusive, of this act.

3. A written waiver of notice is not required to include a provision for each item of business to be transacted at a meeting unless otherwise specified by the articles of incorporation or bylaws of the worker cooperative.

Sec. 25. 1. Unless otherwise prohibited by the articles of incorporation or bylaws of a worker cooperative, the board of directors of the worker cooperative may authorize the distribution of a written ballot to every member entitled to vote at a meeting.

2. A ballot distributed pursuant to subsection 1 must:

(a) Set forth any proposed action to be taken at the meeting;

(b) Provide an opportunity for the member to approve or disapprove of any action; and

(c) State that unless the ballot is revoked by a member, the ballot will be counted if received by the worker cooperative on or before the time of the meeting.

3. A ballot may be revoked by a member pursuant to subsection 2 by the physical appearance and casting of a vote of the member at the meeting.

4. *For the purposes of the subject matter of a written ballot, an unrevoked ballot is equivalent to the physical presence of a member at the meeting for purposes of determining a quorum.*

5. *If cumulative voting is permitted by the articles of incorporation or bylaws of a worker cooperative and the distribution of ballots is not prohibited pursuant to subsection 1, a ballot may be distributed for the election of a director.*

Sec. 26. 1. *The net earnings and losses of a worker cooperative must be apportioned and distributed at the time and in the manner specified by the articles of incorporation or bylaws of the worker cooperative.*

2. *Any net earnings declared as patronage dividends and paid to members must be apportioned among the members in the proportion of the patronage of each member during a given period of time to the total patronage by all members during that period of time.*

3. *The apportionment, distribution and payment of net earnings pursuant to this section may be in cash, credits, written notices of allocation or corporate shares issued by the worker cooperative.*

Sec. 27. *The articles of incorporation or bylaws of a worker cooperative may:*

1. *Establish a system of internal capital accounts to reflect the book value of the worker cooperative and to determine the redemption price of membership shares, corporate shares and written notices of allocation.*

2. *Permit the periodic redemption of written notices of allocation and corporate shares and may provide for recall and redemption of membership shares upon termination of membership in the worker cooperative unless the redemption would result in the liability of a director of the worker cooperative.*

3. *Authorize the worker cooperative to pay or credit interest on the balance of the internal capital account of each member.*

4. *Authorize the assignment of a portion of retained net earnings and net losses to a collective reserve account. Such assigned earnings may be used for any corporate purpose determined by the board of directors of the worker cooperative.*

Sec. 28. 1. *A worker cooperative may use:*

(a) *A divisible reserve account; or*

(b) *An indivisible reserve account.*

2. *An account used pursuant to subsection 1 may be used to pay the expenses of a worker cooperative, including, without limitation, wages.*

3. *Upon the dissolution or sale of a worker cooperative, an indivisible reserve account of the worker cooperative must be allocated to an indivisible reserve account of another worker cooperative or nonprofit corporation.*

Sec. 29. 1. *The articles of incorporation or bylaws of a worker cooperative may establish the worker cooperative as an internal capital account cooperative.*

2. *Each member of an internal capital account cooperative shall have one vote.*

3. *An internal capital account cooperative shall:*

(a) *Credit the membership fee and additional capital paid by a member to the internal capital account of that member; and*

(b) *Record the apportionment of retained net earnings or losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital account of each member.*

4. *The capital reserve account in an internal capital account cooperative must reflect any capital, net losses and retained net earning not allocated to individual members.*

5. *The balances in every internal capital account and collective reserve account, if applicable, must be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the worker cooperative.*

6. *As used in this section, “internal capital account cooperative” means a worker cooperative whose entire net book value is reflected in internal capital accounts, one for each member, and a collective reserve account.*

Sec. 30. 1. *A worker cooperative may revoke its election to be governed as a worker cooperative pursuant to section 11 of this act:*

(a) *In a manner as provided by the articles of incorporation or bylaws of the worker cooperative, but by not less than a majority vote of the members; and*

(b) *Through a certificate of amendment filed pursuant to chapter 78 of NRS.*

2. *A worker cooperative that revokes its election pursuant to subsection 1 shall, in its certificate of amendment, provide for the conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with chapter 78 of NRS.*

Sec. 31. 1. *A worker cooperative that has not revoked its election pursuant to section 11 of this act shall not consolidate or merge with another corporation unless such a corporation is also a worker cooperative.*

2. *Two or more worker cooperatives may merge in a manner consistent with chapters 78 and 92A of NRS.*

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 465.

Bill read second time.

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

Amendment No. 396.

AN ACT relating to energy; requiring electric utilities to offer an ~~affordable~~ **expanded** solar access program to certain customers and to submit a plan to the Public Utilities Commission of Nevada for such a program; **requiring the Commission to adopt regulations establishing standards for the program**; requiring the Commission to approve a plan for an ~~affordable~~ **expanded** solar access program if certain requirements are met; ~~authorizing the Commission to adopt regulations;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts provisions for the implementation of an ~~affordable~~ **expanded** solar access program by certain electric utilities in this State. This bill requires such electric utilities to offer an ~~affordable~~ **expanded** solar access program to ~~low-income~~ residential customers and to certain nonresidential customers who consume less than 10,000 kilowatt-hours of electricity per month. This bill requires ~~an electric utility to submit a plan for an affordable solar access program to~~ the Public Utilities Commission of Nevada ~~on or before April 1, 2020, and requires the Commission to approve such a plan if it meets certain requirements.~~ **to adopt certain regulations for the implementation of the expanded solar access program and requires an electric utility to submit a plan for the implementation of the expanded solar access program.** Among the requirements for the plan submitted by an electric utility **to implement the expanded solar access program** is that the capacity of the ~~affordable~~ **expanded** solar access program be below a certain amount, that the program broaden access to solar energy in an equitable manner and that the program provide participating **low-income residential** customers with ~~bill stability and predictability and the opportunity for~~ electric bill savings. This bill requires an electric utility, in implementing the ~~affordable~~ **expanded** solar access program, to make use of a certain number of ~~new~~ community-based solar resources and utility scale solar resources. ~~This bill authorizes the Commission to adopt regulations necessary to carry out the provisions of this bill.~~

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An electric utility shall offer an ~~affordable~~ **expanded** solar access program to eligible customers within its service area in accordance with the provisions of this section. The size of the ~~affordable~~ **expanded** solar access program shall not exceed:*

(a) For an electric utility that primarily serves densely populated counties, a total capacity of 240,000 megawatt-hours; ~~per year;~~ and

(b) For an electric utility that primarily serves less densely populated counties, a total capacity of 160,000 megawatt-hours. ~~per year.~~

2. ~~{On or before April 1, 2020, each electric utility shall submit to the Commission a plan for the implementation of an affordable solar access program that.}~~ The Commission shall adopt regulations establishing standards for the expanded solar access program. The regulations must:

(a) ~~{Advances the energy policy goals of this State, including, without limitation,}~~ Advance the development of solar energy resources in this State ~~in a cost-effective manner,}~~, including, without limitation, utility scale and community-based solar resources;

(b) ~~{Contains}~~ Provide for the expanded solar access program to include a reasonable mixture of community-based solar resources and utility scale solar resources;

(c) ~~{Contains}~~ Provide a plan for community participation in the siting and naming of community-based solar resources;

(d) ~~{Provides, to the extent practicable,}~~ Provide for ~~programs of education and workforce training}~~ solar workforce innovations and opportunity programs related to the construction, maintenance and operation of ~~community-based}~~ solar resources ~~{,}~~, including opportunities for workforce training, apprenticeships or other job opportunities at community-based solar resources;

(e) ~~{Provides}~~ Provide for equitably broadened access to solar energy ; ~~as provided in subsection 5; and}~~

(f) ~~{Provides}~~ Provide for the creation of an expanded solar access program rate for participating eligible customers ~~with bill stability and predictability and the opportunity for electric bill savings, as provided in subsection 6.~~

~~3. A plan submitted pursuant to subsection 2 shall:~~

~~(a) Designate at least two but not more than five geographic areas within the service territory of the electric utility for participation in the program;~~

~~(b) Provide for the use of that:~~

~~(1) Is based, among other factors, on a new utility scale solar resource accepted by the Commission in an order issued pursuant to NRS 704.751, as approved by the Commission;~~

~~(2) Is a fixed rate that replaces the base tariff energy rate and deferred accounting adjustment charged by the electric utility for participating customers and which is adjusted in accordance with the Commission's quarterly calculations;~~

~~(3) For low-income eligible customers, provides for bill savings, the cost of which must be allocated equitably across all of the rate classes of the utility;~~

~~(4) For eligible customers who are not low-income eligible customers, provides stability and predictability and the opportunity for bill savings; and~~

~~(5) Includes for all participating customers any other applicable charges including, without limitation, the universal energy charge, franchise fees, the renewable energy program rate and base tariff general rates, except that the Commission may reduce one or more of these charges~~

for low-income eligible customers to ensure that such customers receive bill savings pursuant to subparagraph (3);

(g) Establish a process for identifying noncontiguous geographic locations for community-based solar resources which, to the extent practicable, must be located in communities with higher levels of low-income eligible customers;

(h) Provide for the use of at least one utility scale solar resource and at least ~~one~~ three but not more than ~~three~~ ten community-based solar resources within ~~each geographic area designated pursuant to paragraph (a); and~~

~~(e) Provide for the use of at least one utility scale solar resource within the service territory of the electric utility.~~

~~4. The community-based solar resources and utility scale solar resources which the electric utility proposes to use pursuant to subsection 3 must be new solar resources which were not placed into operation before April 1, 2020.~~

~~5. A plan submitted pursuant to subsection 2 provides for equitably broadened access to solar energy if the plan:~~

~~(a) Ensures reasonable and equitable participation of customers based on geographic areas within the electric utility's service area designated pursuant to subsection 3;~~

~~(b) Ensures that customers are able to participate in the program regardless of whether the customer owns, leases or rents the customer's premises;~~

~~(c) Ensures that at least 10 percent of the residential customers participating in the program are low income customers who would be unable to participate in net metering pursuant to NRS 704.766 to 704.777, inclusive, because of financial or locational restraints;~~

~~(d) Ensures that at least 10 percent of the general service customers participating in the program are nonprofit organizations or businesses owned by women, racial and ethnic minorities and other traditionally underrepresented groups; and~~

~~(e) Provides for workforce training, apprenticeships or other job opportunities at community-based solar projects.~~

~~6. A plan submitted pursuant to subsection 2 provides participating customers with bill stability and predictability and the opportunity for energy bill savings if the plan eliminates the base tariff energy rate and deferred accounting adjustment charged by the electric utility for participating customers and provides for participating customers to be charged a fixed, kilowatt-hour rate, which rate is adjusted not more frequently than once annually.~~

~~7.] the service territory of the electric utility;~~

(i) Require not less than 50 percent of the employees engaged or anticipated to be engaged in construction of community-based solar resources to be residents of this State, which residency may be demonstrated,

without limitation, by a notarized statement of the employee that he or she is a resident of this State;

(j) Provide for a mechanism for the host sites of community-based solar resources to receive compensation from the utility for the use of such site;

(k) Provide for the use of a combination of new and other renewable energy facilities, which may be either utility scale or community-based solar resources, that were submitted to the Commission for approval after May 1, 2018, and that were not placed into operation before April 1, 2020;

(l) Provide for an application and selection process for eligible customers to participate in the program;

(m) Ensure reasonable and equitable participation by eligible customers within the service area of the electric utility;

(n) Ensure that eligible customers are able to participate in the program regardless of whether the customer owns, rents or leases the customer's premises;

(o) Require that:

(1) Twenty-five percent of the capacity of the program, as provided in subsection 1, be reserved for low-income eligible customers;

(2) Twenty-five percent of the capacity of the program, as provided in subsection 1, be reserved for disadvantaged businesses and nonprofit organizations; and

(3) Fifty percent of the capacity of the program, as provided in subsection 1, be reserved for eligible customers who are fully bundled residential customers who own, rent or lease their residence and cannot install solar resources on their premises, as determined by the Commission; and

(p) Establish standards for the form, content and manner of submission of an electric utility's plan for implementing the expanded solar access program.

3. An electric utility shall file a plan for implementing the expanded solar access program in accordance with the regulations adopted by the Commission pursuant to subsection 2.

4. The Commission shall review the plan for ~~an affordable~~ the implementation of the expanded solar access program submitted pursuant to subsection ~~2~~ 3 and issue an order approving or denying the plan within 210 days. The Commission shall approve the plan if it finds that the proposed ~~affordable~~ expanded solar access program ~~meets the requirements of subsections 1 to 4, inclusive,~~

~~8.~~ complies with the regulations adopted by the Commission pursuant to subsection 2.

5. In administering the provisions of this section, the electric utility and the Commission shall establish as the preferred sites for ~~large~~ utility scale development of solar energy resources pursuant to this section brownfield sites and land designated by the Secretary of the Interior as Solar Energy Zones and held by the Bureau of Land Management.

~~9. The Commission shall adopt any regulations necessary to carry out the provisions of this section.~~

~~10.]~~

6. As used in this section:

(a) “Brownfield site” has the meaning ascribed to it in 42 U.S.C. § 9601.

(b) “Community-based solar resource” means a solar resource which has a nameplate capacity of not more than ~~20 kilowatts~~ 1 megawatt and is owned ~~for~~ and operated by the electric utility ~~as a component of its~~ and connected to and used as a component of the distribution system ~~of~~ of the electric utility.

(c) ~~“Deferred energy accounting adjustment” means the rate of an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period.~~

“Disadvantaged business” means a business for which:

(1) Fifty-one percent or more of the owners are women, veterans, members of a racial or ethnic minority group or otherwise part of a traditionally underrepresented group; and

(2) None of the owners has a net worth of more than \$250,000, not including the equity held in the business or in a primary residence.

(d) “Electric utility” has the meaning ascribed to it in NRS 704.187.

(e) “Electric utility that primarily serves densely populated counties” has the meaning ascribed to it in NRS 704.110.

(f) “Electric utility that primarily serves less densely populated counties” has the meaning ascribed to it in NRS 704.110.

(g) “Eligible customer” means:

(1) A fully bundled general service customer; or

(2) A ~~person or household who is a~~ fully bundled residential customer of a utility, ~~and has an income of not more than 80 percent of the area median income based on the guidelines published by the United States Department of Housing and Urban Development.~~

~~(h) “General”~~

(h) “Fully bundled general service customer” means a nonresidential customer with a kilowatt-hour consumption that does not exceed 10,000 kilowatt-hours per month.

(i) “Fully bundled residential customer” means a fully bundled single-family customer or a multifamily residential customer.

(j) “Low-income eligible customer” means a natural person or household who is a residential customer of a utility and has an income of not more than 80 percent of the area median income based on the guidelines published by the United States Department of Housing and Urban Development.

(k) “Solar Energy Zone” means an area identified and designated by the Bureau of Land Management as an area well-suited for utility-scale production of solar energy, and where the Bureau of Land Management will

prioritize solar energy and associated transmission infrastructure development.

(l) “Solar resource” means a facility or energy system that uses a solar photovoltaic device to generate electricity.

~~(j)~~ (m) “Solar workforce innovations and opportunity program” means a workforce education, training and job placement program developed by the Department of Employment, Training and Rehabilitation and its appropriate industry sector council in conjunction with potential employers and community stakeholders.

(n) “Utility scale solar resource” means a solar resource which has a nameplate capacity of at least 50 megawatts and is interconnected directly to a substation of the electric utility through a generation step-up transformer.

Sec. 2. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, **and section 1 of this act** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility’s recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed \$15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➔ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds \$15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds \$50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➔ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present,

the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, “electric utility” has the meaning ascribed to it in NRS 704.187.

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. 472.

Bill read second time.

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

Amendment No. 571.

SUMMARY—Revises provisions relating to insurance coverage of maternity ~~and pediatric~~ care. (BDR 57-812)

~~{CONTAINS UNFUNDED MANDATE (§ 13)~~

~~(Not Requested by Affected Local Government)~~

AN ACT relating to insurance; prohibiting an insurer from denying certain coverage for maternity ~~and pediatric~~ care ~~based on the circumstances of conception;~~ **because the insured acts as a gestational carrier; deeming a child carried by a gestational carrier to be the child of the intended parent for certain purposes;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits an individual or group insurance plan from denying coverage or restricting benefits for any length of stay in a hospital in

connection with childbirth to less than 48 hours after a vaginal delivery or 96 hours after a cesarean section, unless otherwise recommended by the American College of Obstetricians and Gynecologists or the American Academy of Pediatrics. (NRS 689A.0425, 689B.520, 689C.194) **Sections 1, 3, 4, 6-9, 11 and ~~13-15~~ 14** of this bill : **(1) prohibit any insurer, ~~[including]~~ excluding Medicaid and insurance provided by ~~[state and]~~ local governments for their employees, from denying ~~[or restricting a benefit, denying coverage or continued coverage or engaging in certain other discriminatory actions concerning a covered mother, her newborn infant or an attending provider of health care based on the circumstances of conception.]~~ , limiting or seeking reimbursement for maternity care because the insured acts as a gestational carrier; and (2) require a child carried by a gestational carrier to be deemed, for purposes relating to a policy of health insurance, to be the child of the person or persons who manifest the intent to be legally bound as the parent of the child. Sections 2, 5, ~~7~~ and 10 ~~and 12~~ 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 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance that includes coverage for maternity care ~~and pediatric care~~ shall not ~~be based on the circumstances of conception, including, without limitation, surrogacy.~~

~~**1. Deny or restrict a benefit for a covered mother or her newborn infant;**~~

~~**2. Deny coverage or continued coverage to a covered mother or her newborn infant;**~~

~~**3. Adjust a premium, deductible, copayment or coinsurance;**~~

~~**4. Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care; or**~~

~~**5. Otherwise discriminate against a covered mother, her newborn infant or an attending provider of health care.] deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.**~~

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the policy of health insurance.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the

Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~†~~, *and section 1 of this act.*

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance that includes coverage for maternity care ~~[and pediatric care]~~ shall not ~~f~~, based on the circumstances of conception, including, without limitation, surrogacy;

~~1. Deny or restrict a benefit for a covered mother or her newborn infant;~~

~~2. Deny coverage or continued coverage to a covered mother or her newborn infant;~~

~~3. Adjust a premium, deductible, copayment or coinsurance;~~

~~4. Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care; or~~

~~5. Otherwise discriminate against a covered mother, her newborn infant or an attending provider of health care.] deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.~~

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the policy of group health insurance.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan that includes coverage for maternity care ~~[and pediatric care]~~ shall not ~~f~~, based on the circumstances of conception, including, without limitation, surrogacy;

~~1. Deny or restrict a benefit for a covered mother or her newborn infant;~~

~~2. Deny coverage or continued coverage to a covered mother or her newborn infant;~~

~~3. Adjust a premium, deductible, copayment or coinsurance;~~

~~4. Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care; or~~

~~5. Otherwise discriminate against a covered mother, her newborn infant or an attending provider of health care.] deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.~~

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the health benefit plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 4 of this act*

to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract that includes coverage for maternity care ~~[and pediatric care]~~ shall not ~~[, based on the circumstances of conception, including, without limitation, surrogacy]~~

~~1. Deny or restrict a benefit for a covered mother or her newborn infant;~~

~~2. Deny coverage or continued coverage to a covered mother or her newborn infant;~~

~~3. Adjust a premium, deductible, copayment or coinsurance;~~

~~4. Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care; or~~

~~5. Otherwise discriminate against a covered mother, her newborn infant or an attending provider of health care.] deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.~~

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the benefit contract.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for maternity care ~~[and pediatric care]~~ shall not ~~[, based on the circumstances of conception, including, without limitation, surrogacy]~~

~~1. Deny or restrict a benefit for a covered mother or her newborn infant;~~

~~2. Deny coverage or continued coverage to a covered mother or her newborn infant;~~

~~3. Adjust a premium, deductible, copayment or coinsurance;~~

~~4. Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care; or~~

~~5. Otherwise discriminate against a covered mother, her newborn infant or an attending provider of health care.] deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.~~

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the contract for hospital or medical services.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan that includes coverage for maternity care ~~[and pediatric care]~~ shall not

~~based on the circumstances of conception, including, without limitation, surrogacy;~~

~~1. Deny or restrict a benefit for a covered mother or her newborn infant;~~

~~2. Deny coverage or continued coverage to a covered mother or her newborn infant;~~

~~3. Adjust a premium, deductible, copayment or coinsurance;~~

~~4. Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care; or~~

~~5. Otherwise discriminate against a covered mother, her newborn infant or an attending provider of health care; deny, limit or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.~~

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the health care plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and section 8 of this act and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children’s Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1708, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 ~~and section 8 of this act~~ apply to a health maintenance organization that provides health

care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, **and section 8 of this act** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan that includes coverage for maternity care [and pediatric care] shall not, based on the circumstances of conception, including, without limitation, surrogacy,

~~*1. Deny or restrict a benefit for a covered mother or her newborn infant;*~~

~~*2. Deny coverage or continued coverage to a covered mother or her newborn infant;*~~

~~*3. Adjust a premium, deductible, copayment or coinsurance;*~~

~~*4. Penalize, or otherwise reduce or limit, the reimbursement of an attending provider of health care; or*~~

~~*5. Otherwise discriminate against a covered mother, her newborn infant or an attending provider of health care.*~~ *deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.*

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in NRS 126.590, for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 12. ~~NRS 232.320~~ is hereby amended to read as follows:

~~232.320~~ 1. The Director:

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

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

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

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

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

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

~~—(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and section 15 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.~~

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

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

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

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

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

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

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

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

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

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

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

~~Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.~~ **(Deleted by amendment.)**

~~Sec. 13. [NRS 287.010 is hereby amended to read as follows:~~

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

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

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

~~(c) Provide group life, accident or health coverage through a self insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 254.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, **and section 3 of this act** and 689B.287 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378 and 689B.03785 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees;~~

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

~~2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount~~

of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

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

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

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

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

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

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

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

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

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, *and section 11 of this act* and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. ~~[Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*The Director shall include in the State Plan for Medicaid a provision prohibiting the State from, based on the circumstances of conception, including, without limitation, surrogacy.*~~

~~1. Denying or restricting a benefit for a covered mother or her newborn infant;~~

~~2. Denying coverage or continued coverage to a covered mother or her newborn infant;~~

~~3. Adjusting a premium, deductible, copayment or coinsurance;~~

~~4. Penalizing, or otherwise reducing or limiting, the reimbursement of an attending provider of health care; or~~

~~5. Otherwise discriminating against a covered mother, her newborn infant or an attending provider of health care.] (Deleted by amendment.)~~

Sec. 16. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)~~

Sec. 17. This act becomes effective on ~~July 1, 2019.~~ January 1, 2020.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read second time.

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

Amendment No. 347.

AN ACT relating to motor vehicles requiring the Department of Motor Vehicles to conduct a pilot program to gather data from certain motor vehicles in this State; requiring the Department to provide certain reports based on the data gathered; requiring certain owners of motor vehicles to provide to the Department certain information at the time of registration and transfer or renewal of registration of motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the Department of Motor Vehicles to conduct a pilot program to gather data on the annual vehicle miles traveled for certain motor vehicles registered in this State. **Section 2** also requires the Department to gather data on mileage, type of vehicle and type of fuel system for each such motor vehicle and compile a report to be provided every 6 months to the Legislature and the respective Chairs of the Assembly and Senate Standing Committees on Growth and Infrastructure.

Section 3 of this bill requires the ~~owner~~ owners of ~~a~~ certain motor ~~vehicle~~ vehicles in this State ~~other than a motorcycle or a moped~~ to report the mileage shown on the odometer of the motor vehicle and certain other information required by the Department at the time of initial registration, renewal of registration and transfer of registration, if applicable. For those motor vehicles for which evidence of compliance with emissions standards is required, **section 3** requires that the mileage and other information be

transmitted to the Department along with the evidence of compliance with emissions standards. For all other motor vehicles ~~that~~ **required to provide the mileage and other information, section 3** requires the owner to report the mileage and other information in a manner prescribed by the Department. **Section 3 also provides certain exemptions from the requirement to participate in the pilot program.** Sections 4-6 of this bill make conforming changes. **Section 7** of this bill provides that the pilot program expires by limitation on December 31, 2026.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. The Legislature hereby finds and declares that:

(a) The State faces major financial challenges to adequately fund the construction and maintenance of the highways of this State as revenues from taxes imposed on fuel, at both the state and federal level, long used to fund construction and maintenance of the highways of this State and many other states, have declined primarily because of the improved efficiency of the motor vehicles operated on the highways of this State.

(b) The Legislature must seek significant and innovative solutions in order to meet the challenges of adequately funding the construction and maintenance of the highways of this State into the future, among them the concept of basing revenue collection on the annual vehicle miles traveled by each vehicle using the highways of this State.

2. The Legislature therefore directs the Department of Motor Vehicles to conduct a pilot program to gather data on annual vehicle miles traveled and other relevant information for certain motor vehicles registered in this State.

3. Upon receipt of the information obtained pursuant to section 3 of this act, the Department shall compile the data and prepare a report on the annual vehicle miles traveled of those motor vehicles in this State required to provide odometer readings pursuant to section 3 of this act by categories determined by the Department, including, without limitation, the annual vehicle miles traveled by:

(a) Type of motor vehicle, including, without limitation:

- (1) Passenger car;*
- (2) Light-duty;*
- (3) Heavy-duty;*
- (4) Motortruck;*
- (5) Truck-tractor;*
- (6) Bus; and*
- (7) Recreational vehicle.*

(b) Weight of motor vehicle, including, without limitation:

- (1) Less than 6,000 pounds;*

- (2) *From 6,000 pounds to 8,499 pounds;*
- (3) *From 8,500 pounds to 10,000 pounds;*
- (4) *From 10,001 pounds to 26,000 pounds;*
- (5) *From 26,001 pounds to 80,000 pounds; and*
- (6) *Over 80,000 pounds.*

(c) *Motor vehicle fuel type or power source, including, without limitation:*

(1) Compressed natural gas;

~~(2) Diesel;~~

~~{(2)} (3) Electric;~~

~~{(3) Ethanol;}~~

~~{(4)} (4) Flexible fuel E85;~~

(5) Flexible fuel M85;

~~(6) Hybrid diesel;~~

~~{(5)} (7) Hybrid electric;~~

~~{(6)} (8) Hybrid gasoline/gasohol;~~

(9) Hydrogen;

~~{(7)} (10) Gasoline/gasohol;~~

~~{(8) Methanol;~~

~~(9) Natural gas;}~~

(11) Liquefied natural gas; and

~~{(10)} (12) Propane.~~

4. *Beginning not later than December 31, ~~2020,~~ 2019, the Department shall compile all the information available to produce the report required pursuant to subsection 3 every 6 months, and shall transmit the report not later than January 1 and July 1 of each year to:*

(a) *The Chair of the Assembly Standing Committee on Growth and Infrastructure;*

(b) *The Chair of the Senate Standing Committee on Growth and Infrastructure; and*

(c) *The Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, 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.*

5. *The Department may apply for and accept gifts, grants and donations to assist with the implementation of the pilot program.*

6. *The Department shall:*

(a) *Adopt regulations which establish procedures for implementing the pilot program, including, without limitation, those procedures required for ~~it~~ :*

(1) A person to provide to the Department the mileage shown on the odometer of each vehicle and other information as required by section 3 of this act ~~it~~ ; and

(2) Any exemptions from the requirements of section 3 of this act that the Department deems appropriate to avoid undue hardship for the registered owner of a motor vehicle.

(b) Investigate and, where possible, implement technology or other solutions which allow a person required to provide to the Department the mileage shown on the odometer of his or her vehicle and other information pursuant to section 3 of this act to provide that digitally or electronically to the Department.

Sec. 3. 1. Except as otherwise provided in subsection 4, upon application for the initial registration of any motor vehicle pursuant to this chapter, the applicant shall provide the Department or registered dealer the mileage shown on the odometer of the vehicle at the time of application and any other information required by the Department. Upon application for the transfer of registration pursuant to NRS 482.399 to another motor vehicle, the applicant shall provide to the Department or registered dealer the mileage shown on the odometer of the vehicle to which the registration is to be transferred at the time of application and any other information required by the Department.

2. At the time of renewal of registration of a motor vehicle pursuant to this chapter, the mileage shown on the odometer of the vehicle and any other information required by the Department must be provided to the Department as follows:

(a) If the vehicle is required upon renewal of registration to submit evidence of compliance with standards for the control of emissions pursuant to chapter 445B of NRS, the mileage shown on the odometer of the vehicle at the time of the inspection and any other information required by the Department must be noted on the evidence of compliance.

(b) If the vehicle is not required upon renewal of registration to submit evidence of compliance with standards for the control of emissions pursuant to chapter 445B of NRS, the mileage shown on the odometer of the vehicle at the time of renewal and any other information required by the Department must be noted by the owner in a manner prescribed by the Department.

3. Upon the transfer of the ownership of or interest in a motor vehicle and the expiration of the registration pursuant to NRS 482.399, the holder of the original registration must provide to the Department the mileage shown on the odometer of the vehicle at the time of the transfer and any other information required by the Department in a manner prescribed by the Department.

4. The provisions of this section do not apply to a ~~motorcycle~~ :

(a) Motorcycle or moped.

(b) Vehicle that is exempt from registration pursuant to NRS 482.210.

(c) Vehicle registered as a farm vehicle.

(d) Vehicle that is registered through the Motor Carrier Division pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which has a declared gross weight in excess of 10,000 pounds.

(e) Vehicle that has been exempted by regulations adopted pursuant to subsection 6 of section 2 of this act.

5. The Department or its agents may inspect the odometer of a vehicle for which the mileage shown on the odometer is reported pursuant to paragraph (b) of subsection 2 not more than once every 2 years to verify the mileage reported.

Sec. 4. NRS 482.215 is hereby amended to read as follows:

482.215 1. Except as otherwise provided in NRS 482.2155, all applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.

3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) The owner's residential address.

(c) The owner's declaration of the county where he or she intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) If required pursuant to section 3 of this act, the mileage shown on the odometer of the vehicle at the time of application and any other information required by the Department.

(e) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

~~(e)~~ (f) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5:

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185; and

(2) A declaration signed by the applicant that he or she will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this subparagraph.

~~(f)~~ (g) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle or the registered owner of the vehicle; or

(3) In another form satisfactory to the Department, including, without limitation, an electronic format authorized by NRS 690B.023.

➔ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

~~[(g)]~~ **(h)** If required, evidence of the applicant's compliance with controls over emission.

~~[(h)]~~ **(i)** If the application for registration is submitted via the Internet, a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registered for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c). The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph ~~[(f)]~~ **(g)** of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his or her original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his or her original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his or her certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file or provide electronic evidence of that insurance.

Sec. 5. NRS 482.280 is hereby amended to read as follows:

482.280 1. Except as otherwise provided in NRS 482.2155, the registration of every vehicle expires at midnight on the day specified on the

receipt of registration, unless the day specified falls on a Saturday, Sunday or legal holiday. If the day specified on the receipt of registration is a Saturday, Sunday or legal holiday, the registration of the vehicle expires at midnight on the next judicial day. The Department shall mail to each holder of a certificate of registration a notification for renewal of registration for the following period of registration. The notifications must be mailed by the Department in sufficient time to allow all applicants to mail the notifications to the Department or to renew the certificate of registration at a kiosk or authorized inspection station or via the Internet or an interactive response system and to receive new certificates of registration and license plates, stickers, tabs or other suitable devices by mail before the expiration of their registrations. An applicant may present or submit the notification to any agent or office of the Department.

2. A notification:

(a) Mailed or presented to the Department or to a county assessor pursuant to the provisions of this section;

(b) Submitted to the Department pursuant to NRS 482.294; or

(c) Presented to an authorized inspection station or authorized station pursuant to the provisions of NRS 482.281,

↪ must include, if required, evidence of compliance with standards for the control of emissions.

3. The Department shall include with each notification mailed pursuant to subsection 1:

(a) The amount of the governmental services tax to be collected pursuant to the provisions of NRS 482.260.

(b) The amount set forth in a notice of nonpayment filed with the Department by a local authority pursuant to NRS 484B.527.

(c) A statement which informs the applicant:

(1) That, pursuant to NRS 485.185, the applicant is legally required to maintain insurance during the period in which the motor vehicle is registered which must be provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State; and

(2) Of any other applicable requirements set forth in chapter 485 of NRS and any regulations adopted pursuant thereto.

(d) *A statement which informs the applicant that, if the applicant is required to report the mileage or any other information required by the Department pursuant to section 3 of this act, the applicant must submit to the Department the mileage shown on the odometer of the vehicle at the time of application for renewal and any other information required by the Department.*

(e) A statement which informs the applicant that, if the applicant renews a certificate of registration at a kiosk or via the Internet, he or she may make a nonrefundable monetary contribution of \$2 for each vehicle registration renewed for the Complete Streets Program, if any, created pursuant to NRS

244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The notification must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration.

~~(e)~~ (f) Any amount due for reissuance of a license plate or a plate reissued pursuant to subsection 2 of NRS 482.265, if applicable.

4. An application for renewal of a certificate of registration submitted at a kiosk or via the Internet must include a statement which informs the applicant that he or she may make a nonrefundable monetary contribution of \$2, for each vehicle registration which is renewed at a kiosk or via the Internet, for the Complete Streets Program, if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as applicable, based on the declaration made pursuant to paragraph (c) of subsection 3 of NRS 482.215. The application must state in a clear and conspicuous manner that a contribution for a Complete Streets Program is nonrefundable and voluntary and is in addition to any fees required for registration, and must include a method by which the applicant must indicate his or her intention to opt in or opt out of making such a contribution.

5. An owner who has made proper application for renewal of registration before the expiration of the current registration but who has not received the license plate or plates or card of registration for the ensuing period of registration is entitled to operate or permit the operation of that vehicle upon the highways upon displaying thereon the license plate or plates issued for the preceding period of registration for such a time as may be prescribed by the Department as it may find necessary for the issuance of the new plate or plates or card of registration.

Sec. 6. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State General Fund for credit to the Account for the Program for the Education of Motorcycle Riders created by NRS 486.372.

5. For every moped, a one-time fee for registration of \$33.

6. For each transfer of registration, a fee of \$6 in addition to any other fees.

7. Except as otherwise provided in subsection 6 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

↳ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

8. For every travel trailer, a fee for registration of \$27.

9. For every permit for the operation of a golf cart, an annual fee of \$10.

10. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

11. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451 or 482.458, a fee of \$33.

12. For each vehicle for which the registered owner has indicated his or her intention to opt in to making a contribution pursuant to paragraph ~~(h)~~ (i) of subsection 3 of NRS 482.215 or subsection 4 of NRS 482.280, a contribution of \$2. The contribution must be distributed to the appropriate county pursuant to NRS 482.1825.

Sec. 7. This act becomes effective on October 1, 2019, and expires by limitation on December 31, 2026.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that upon return from the printer, Assembly Bill No. 56 be placed on the Chief Clerk's desk .

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 20, 168, 235, 267, 290, 297, 358, 382, and 483 be rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 1:30 p.m.

ASSEMBLY IN SESSION

At 1:33 p.m.

Mr. Speaker presiding.

Quorum present.

NOTICE OF EXEMPTION

April 22, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 180, 185, 264, 271, 289, 298 and 300.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 216.

CINDY JONES
Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that the Assembly recess until 3 p.m.

Motion carried.

Assembly in recess at 1:34 p.m.

ASSEMBLY IN SESSION

At 4:03 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN B. SPIEGEL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 161, 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 were referred Assembly Bills Nos. 190, 371, 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 were referred Assembly Bills Nos. 198, 210, 212, 274, 425, 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. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 28, 320, 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 316, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 47, 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 Health and Human Services, to which were referred Assembly Bills Nos. 122, 247, 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 Health and Human Services, to which were referred Assembly Bills Nos. 298, 317, 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 Health and Human Services, to which was referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 140, 291, 393, 420, 422, 431, 434, 482, 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. 259, 282, 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 Legislative Operations and Elections, to which was rereferred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 73, 79, 242, 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 Taxation, to which was referred Assembly Bill No. 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 22, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 305, 307, 319, 329, 331, 338, 345, 353, 364, 371, 383, 399, 420, 425, 439 and 446.

CINDY JONES
Fiscal Analysis Division

April 22, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 266.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 459.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 485.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 296.

AN ACT relating to orders for protection; revising provisions relating to service of process of ~~certain~~ temporary and extended orders for protection ~~for~~ **against domestic violence**; increasing the duration that certain temporary and extended orders for protection remain effective; increasing the penalty for certain violations of temporary and extended orders for protection against domestic violence; renaming the Repository for Information Concerning Orders for Protection Against Domestic Violence to the Repository for Information Concerning Orders for Protection; requiring the Repository for Information Concerning Orders for Protection to include certain information and other records relating to **orders for protection against a person alleged to have committed the crime of sexual assault**, orders for protection against stalking, aggravated stalking or harassment and orders for protection against domestic violence; ~~authorizing courts to admit character evidence of the past sexual conduct of a petitioner in hearings on petitions for orders for protection against stalking, aggravated stalking or harassment for certain purposes; revising certain provisions relating to evidence;~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons and authorizes a court to issue a temporary or extended order for protection against domestic violence. (NRS 33.018, 33.020, 33.030) Existing law also defines certain unlawful acts that constitute stalking, aggravated stalking or harassment when committed against certain persons and authorizes a court to issue a temporary or extended

order for protection against stalking, aggravated stalking or harassment. (NRS 200.571, 200.575, 200.591) **Finally, existing law defines the crime of sexual assault and authorizes a court to issue a temporary or extended order for protection against a person alleged to have committed the crime of sexual assault. (NRS 200.366, 200.378)**

Existing law requires a law enforcement agency to personally serve the adverse party with a temporary order for protection against domestic violence. (NRS 33.060) ~~Existing law also requires that a temporary or extended order for protection against stalking, aggravated stalking or harassment be personally served on the person to whom it is directed. (NRS 200.591) Sections 1 and 12 of this bill require service of process of temporary orders for protection against domestic violence and orders for protection against stalking, aggravated stalking or harassment, respectively, to take priority over other types of service, unless otherwise required by law.~~

~~Existing law also provides that, under certain circumstances, temporary orders for protection against domestic violence and temporary orders for protection against stalking, aggravated stalking or harassment expire after 30 days. (NRS 33.080, 200.594) Sections 2 and 13 of this bill provide that such temporary orders for protection against domestic violence and orders for protection against stalking, aggravated stalking or harassment, respectively, expire after 45 days.~~ **Section 1.3 of this bill revises the service of process requirements for temporary and extended orders for protection against domestic violence. Section 1.3 requires a law enforcement agency to attempt to serve an adverse party personally with a temporary order. If the law enforcement agency is unable to personally serve the temporary order on the adverse party, section 1.3 requires the law enforcement agency to leave a notice at the adverse party's residence stating that the adverse party may respond to the notice within 24 hours. Section 1.3 provides that if personal service of the temporary order is unsuccessful three times, the applicant for the temporary order may petition the court to order the law enforcement agency to serve the adverse party at his or her place of employment. If service at the place of employment is unsuccessful, section 1.3 authorizes the applicant to petition the court to order the law enforcement agency to serve the adverse party by an alternative service method pursuant to the Nevada Rules of Civil Procedure.**

Existing law authorizes a person to serve a copy of an application of an extended order for protection against domestic violence and notice of the hearing thereof on the adverse party: (1) pursuant to the Nevada Rules of Civil Procedure; or (2) at the adverse party's place of employment under certain circumstances. Existing law provides that if the adverse party is served at his or her place of employment, the copy of the application and notice of the hearing must be served with a copy of the temporary order for protection against domestic violence. (NRS 33.060, 33.065) Section 1.7

of this bill removes the requirement to serve the copy of the temporary order at the adverse party's place of employment.

Section 1.3 provides that if a temporary and extended order for protection against domestic violence are filed at the same time or the extended order for protection is filed before law enforcement has been able to successfully serve the temporary order, then the extended order will be served with the temporary order in the manner set forth in section 1.3.

Existing law requires temporary and extended orders for protection against domestic violence to contain certain information. (NRS 33.030) Section 1 of this bill requires a temporary or extended order for protection against domestic violence to include a notice to the adverse party that responding to a communication by the protected party may constitute a violation of the order.

Existing law also provides that an extended order for protection against domestic violence and an extended order for protection against stalking, aggravated stalking or harassment expire after not more than 1 year. (NRS 33.080, 200.594) **Sections 2 and 13** of this bill provide that such extended orders for protection expire after not more than ~~1.5~~ **2** years. **Sections 2 and 13** require the court to enter a finding of fact providing the basis for the imposition of an extended order for a period of greater than 1 year. **Sections 2 and 13** also authorize the protected party or the adverse party at any time while an extended order is effective to move a court to modify or dissolve an extended order because of changed circumstances of the parties.

Under existing law, a person is guilty of a misdemeanor for intentionally violating a temporary or extended order for protection against domestic violence. (NRS 33.100) **Section 4** of this bill provides that a person who intentionally violates such an extended order and who has never previously violated an order is guilty of a misdemeanor. **Section 4** increases the penalty for intentionally violating such an extended order to: (1) a gross misdemeanor if the person has ~~not~~ previously violated such an order ~~1~~ **one time**; or (2) a category D felony if the person has previously violated such an order ~~1~~ **two or more times**. **Section 6** ~~and 7~~ of this bill ~~make~~ **makes** conforming changes.

Existing law requires the Repository for Information Concerning Orders for Protection Against Domestic Violence to contain records within the Central Repository for Nevada Records of Criminal History of temporary and extended orders for protection against domestic violence and certain other information. (NRS 179A.350) **Section 8** of this bill changes the name of the Repository for Information Concerning Orders for Protection Against Domestic Violence to the Repository for Information Concerning Orders for Protection. **Section 8** also requires the Repository for Information Concerning Orders for Protection to maintain records within the Central Repository of all temporary and extended orders for protection against stalking, aggravated

stalking or harassment. ~~Section 10~~ **and all temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault. Sections 10.3 and 10.7** of this bill ~~requires~~ **require** certain persons to transmit such orders to the Central Repository for transfer to the Repository for Information Concerning Orders for Protection.

~~Existing law authorizes a court to admit evidence of character in certain limited situations and provides that such evidence is admissible by testimony as to the reputation or in the form of an opinion. (NRS 48.045, 48.055) Section 11 of this bill prohibits the introduction of testimony as to the reputation or an opinion related to the past sexual conduct of a petitioner for an order for protection against stalking, aggravated stalking or harassment. Section 11 further provides that specific instances of the past sexual conduct of the petitioner may be admissible under limited circumstances.~~

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

Section 1. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

- (a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;
- (b) Exclude the adverse party from the applicant's place of residence;
- (c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;
- (d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;
- (e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;
- (f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and
- (g) Order such other relief as it deems necessary in an emergency situation.

2. The court by an extended order may grant any relief enumerated in subsection 1 and:

- (a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;
- (b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and
- (c) Order the adverse party to:
 - (1) Avoid or limit communication with the applicant or minor child;
 - (2) Pay rent or make payments on a mortgage on the applicant's place of residence;
 - (3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed

pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that ~~it~~ :

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:

~~[(a)]~~ (I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

~~[(b)]~~ (2) The person has previously violated a temporary or extended order for protection; or

~~[(c)]~~ (3) At the time of the violation or within 2 hours after the violation, the person has:

~~[(1)]~~ (I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or

~~[(2)]~~ (II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.

~~Section 1~~ **Sec. 1.3.** NRS 33.060 is hereby amended to read as follows:

33.060 1. The court shall transmit, by the end of the next business day after the order is issued, a copy of the temporary or extended order to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the applicant or the minor child.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the temporary order, ~~and to Service of the temporary order on the adverse party must be given priority over other service by the law enforcement agency to which priority is not otherwise given by specific statute. The law enforcement agency shall file with or mail to the clerk of the court proof of service by the end of the next~~

~~business day after service is made. Service.~~ *If after due diligence, the law enforcement agency has attempted and been unable to personally serve the adverse party with the temporary order, the law enforcement agency shall leave a notice in a conspicuous place at the last known address of the adverse party. The notice must include, without limitation, a statement that contains the following information:*

(a) That the adverse party must contact the law enforcement agency within 24 hours of the attempted personal service and the exact time in which the 24-hour period expires; and

(b) The contact information for the law enforcement agency, including, without limitation, the phone number of the law enforcement agency.

3. If the adverse party responds to the notice pursuant to subsection 2, the law enforcement agency must obtain the necessary information from the adverse party to serve the adverse party personally with the temporary order.

4. If after due diligence, the law enforcement agency has attempted and been unable to serve the adverse party with personal service of the temporary order three times and the adverse party has not responded to the notices pursuant to subsection 2, the applicant may petition the court to order the law enforcement agency to serve the adverse party with the temporary order at his or her place of employment, if applicable. The petition must include, without limitation, affidavits, declarations or other evidence setting forth specific facts demonstrating:

(a) That the law enforcement agency, with due diligence, attempted to locate and personally serve the adverse party three times and left corresponding notices at his or her place of residence after each attempted service pursuant to subsection 2; and

(b) The contact information of the adverse party, including, without limitation, the known or last known phone number and residential address of the adverse party and the name and commercial address of his or her place of employment.

5. If the adverse party is unemployed or after due diligence, the law enforcement agency has attempted and been unable to serve the adverse party with the temporary order at his or her place of employment pursuant to subsection 4, the applicant may petition the court to order the law enforcement agency to serve the adverse party by an alternative service method pursuant to the Nevada Rules of Civil Procedure.

6. Except as otherwise provided in subsection 7, service of an application for an extended order and the notice of any hearing thereon must be served upon the adverse party:

(a) Pursuant to the Nevada Rules of Civil Procedure; or

(b) In the manner provided in NRS 33.065.

~~7.~~ *7. If the applicant files an application for an extended order at the same time as his or her application for a temporary order or before such time that a law enforcement agency is able to successfully serve the temporary order on the adverse party, the application for the extended order and notice*

of the hearing thereon must be served with the temporary order in accordance with the procedures set forth in subsections 1 to 5, inclusive, regardless of whether the law enforcement agency has commenced service of the temporary order pursuant to subsections 1 to 5, inclusive.

8. A law enforcement agency shall enforce a temporary or extended order without regard to the county in which the order was issued.

~~4-9.~~ The clerk of the court shall issue, without fee, a copy of the temporary or extended order to the applicant and the adverse party.

Sec. 1.7. NRS 33.065 is hereby amended to read as follows:

33.065 1. If the current address where the adverse party resides is unknown and the law enforcement agency has made at least two attempts to personally serve the adverse party at the adverse party's current place of employment ~~and~~ with a copy of the application for an extended order and the notice of the hearing thereon, the law enforcement agency or a person designated by the law enforcement agency may serve the adverse party by:

(a) Delivering a copy of the application for an extended order ~~and~~ and the notice of hearing thereon ~~and a copy of the temporary order~~ to the current place of employment of the adverse party; and

(b) Thereafter, mailing a copy of the application for an extended order ~~and~~ and the notice of hearing thereon ~~and a copy of the temporary order~~ to the adverse party at the adverse party's current place of employment.

2. Delivery pursuant to paragraph (a) of subsection 1 must be made by leaving a copy of the documents specified at the current place of employment of the adverse party with the manager of the department of human resources or another similar person. Such a person shall:

(a) Accept service of the documents and make a reasonable effort to deliver the documents to the adverse party;

(b) Identify another appropriate person who will accept service of the documents and who shall make a reasonable effort to deliver the documents to the adverse party; or

(c) Contact the adverse party and arrange for the adverse party to be present at the place of employment to accept service of the documents personally.

3. After delivering the documents to the place of employment of the adverse party, a copy of the documents must be mailed to the adverse party by first-class mail to the place of employment of the adverse party in care of the employer.

4. The adverse party shall be deemed to have been served 10 days after the date on which the documents are mailed to the adverse party.

5. Upon completion of service pursuant to this section, the law enforcement agency or the person designated by the law enforcement agency who served the adverse party in the manner set forth in this section shall file with or mail to the clerk of the court proof of service in this manner.

6. An employer is immune from civil liability for any act or omission with respect to accepting service of documents, delivering documents to the adverse party or contacting the adverse party and arranging for the adverse party to

accept service of the documents personally pursuant to this section, if the employer acts in good faith with respect to accepting service of documents, delivering documents to the adverse party or contacting the adverse party and arranging for the adverse party to accept service of the documents personally.

Sec. 2. NRS 33.080 is hereby amended to read as follows:

33.080 1. A temporary order expires within such time, not to exceed ~~30~~ ~~45~~ days, as the court fixes. If an application for an extended order is filed within the period of a temporary order or at the same time that an application for a temporary order is filed, the temporary order remains in effect until:

(a) The hearing on the extended order is held; or

(b) If the court schedules a second or third hearing pursuant to subsection 4 or 5 of NRS 33.020, the date on which the second or third hearing on an application for an extended order is held.

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed ~~1 year, 5~~ 2 years, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than ~~1 year, 5~~ 2 years.

4. A court shall enter a finding of fact providing the basis for the imposition of an extended order effective for more than 1 year.

5. At any time while the extended order is in effect, the party who obtained the extended order or the adverse party may appear and move for its dissolution or modification based on changes of circumstance of the parties, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

6. This section must not be construed to affect the right of an adverse party to an interlocutory appeal pursuant to NRS 33.030.

Sec. 3. NRS 33.085 is hereby amended to read as follows:

33.085 1. Except as otherwise provided in subsection 2, an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States, including, without limitation, any provisions in the order related to custody and support, is valid and must be accorded full faith and credit and enforced by the courts of this state as if it were issued by a court in this state, regardless of whether the order has been registered in this state, if the court in this state determines that:

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the State, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and an opportunity to be heard

within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. If the order for protection against domestic violence issued by the court of another state, territory or Indian tribe is a mutual order for protection against domestic violence and:

(a) No counter or cross-petition or other pleading was filed by the adverse party; or

(b) A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties,

↳ the court shall refuse to enforce the order against the applicant and may determine whether to issue its own temporary or extended order.

3. A law enforcement officer shall enforce an order for protection against domestic violence issued by the court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this state unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

↳ An officer may determine that any other order is authentic on its face.

4. In enforcing an order for protection against domestic violence issued by the court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of an order for protection against domestic violence that has been provided to the officer;

(b) An order for protection against domestic violence that is included in the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against domestic violence was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against domestic violence, including, without limitation, the statement of a person protected by the order that the order remains in effect.

5. The fact that an order has not been registered or included in the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ in the Central Repository for Nevada Records of Criminal

History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against domestic violence issued by the court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

Sec. 4. NRS 33.100 is hereby amended to read as follows:

33.100 A ~~Unless a more severe penalty is prescribed by law for the act that constitutes a violation of the temporary or extended order, any~~ person who intentionally violates ~~it~~:

1. A temporary ~~or extended~~ order is guilty of a misdemeanor, ~~unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.~~

2. *An extended order and:*

(a) *Who has not previously violated an extended order ~~is~~ is guilty of a ~~gross~~ misdemeanor; ~~or~~*

(b) *Who has previously violated an extended order one time is guilty of a gross misdemeanor; or*

(c) *Who has previously violated an extended order ~~is~~ two or more times is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

↪ Each act that constitutes a violation of the temporary or extended order may be prosecuted as a separate violation of the order.

Sec. 5. NRS 33.143 is hereby amended to read as follows:

33.143 1. Except as otherwise provided in subsection 4 and NRS 33.146, a law enforcement officer shall enforce a Canadian domestic-violence protection order and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

↪ An officer may determine that any other order is authentic on its face.

2. In enforcing a Canadian domestic-violence protection order or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

- (a) A copy of the order that has been provided to the officer;
- (b) An order that is included in the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ pursuant to NRS 33.095 or in any national crime information database;
- (c) Oral or written confirmation from a law enforcement agency or court in which the order was issued that the order is valid and effective; or
- (d) An examination of the totality of the circumstances concerning the existence of a valid and effective order, including, without limitation, the statement of a person protected by the order that the order remains in effect.

3. The fact that a Canadian domestic-violence protection order has not been registered or included in the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ in the Central Repository for Nevada Records of Criminal History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

4. If a law enforcement officer determines that an otherwise valid Canadian domestic-violence protection order cannot be enforced because the adverse party has not been notified of or served with the order, the officer shall notify the protected person that the officer will make reasonable efforts to contact the adverse party, consistent with the safety of the protected person. After notice to the protected person and consistent with the safety of the protected person, the law enforcement officer shall make a reasonable effort to inform the adverse party of the order, notify the adverse party of the terms of the order, provide a record of the order, if available, to the adverse party and allow the adverse party a reasonable opportunity to comply with the order before the officer enforces the order.

5. If a law enforcement officer determines that a person is a protected person, the officer shall inform him or her of available local victims' services.

Sec. 6. NRS 125.560 is hereby amended to read as follows:

125.560 ~~1A~~

~~1. Unless a more severe penalty is prescribed by law for an act that constitutes a violation of a restraining order or injunction, any~~ 1. A person who *intentionally* violates a restraining order or injunction ~~:~~

~~1. That~~ *that* is in the nature of a temporary or extended order for protection against domestic violence ~~;~~ and

~~2. That~~ *that* is issued in an action or proceeding brought pursuant to this title ~~;~~

~~is guilty of~~ *shall be punished:*

(a) Where the order or injunction is in the nature of a temporary order for protection against domestic violence, for a misdemeanor. ~~;~~ unless a more

severe penalty is prescribed by law for the act that constitutes the violation of the order or injunction.]

(b) *Where the order or injunction is in the nature of an extended order for protection against domestic violence and:*

(1) *The person has not previously violated an extended order for protection against domestic violence, for a ~~gross~~ misdemeanor; ~~or~~*

(2) *The person has previously violated an extended order for protection against domestic violence one time, for a gross misdemeanor; or*

(3) *The person has previously violated an extended order for protection against domestic violence ~~for~~ two or more times, for a category D felony and shall be punished as provided in NRS 193.130.*

2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

Sec. 7. ~~NRS 171.136 is hereby amended to read as follows:~~

~~171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.~~

~~2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:~~

~~(a) Upon the direction of a magistrate, endorsed upon the warrant;~~

~~(b) When the offense is committed in the presence of the arresting officer;~~

~~(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:~~

~~(1) There is a warrant of arrest against the person; and~~

~~(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;~~

~~(d) When the offense is committed in the presence of a private person and the person makes an arrest immediately after the offense is committed;~~

~~(e) When the arrest is made in the manner provided in NRS 171.137;~~

~~(f) When the offense charged is a violation of a temporary ~~or extended~~ order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;~~

~~(g) When the person is already in custody as a result of another lawful arrest; or~~

~~(h) When the person voluntarily surrenders himself or herself in response to an outstanding warrant of arrest.] **(Deleted by amendment.)**~~

Sec. 8. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ is hereby created within the Central Repository.

2. Except as otherwise provided in subsection ~~6, 9,~~ **10**, the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ must contain a complete and systematic record of all ~~temporary~~ :

(a) *Temporary* and extended orders for protection against domestic violence issued or registered in the State of Nevada and all Canadian domestic-violence protection orders registered in the State of Nevada, ~~in accordance with regulations adopted by the Director of the Department,~~ including, without limitation, any information received pursuant to NRS 33.095 ~~;~~ ~~and~~;

(b) *Temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State pursuant to section ~~10~~ 10.7 of this act* ~~;~~ ~~and~~;

(c) *Temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State pursuant to section 10.3 of this act.*

3. *The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.*

4. Information received by the Central Repository pursuant to NRS 33.095 ~~and ~~section 10~~ sections 10.3 and 10.7 of this act~~ must be entered in the Repository for Information Concerning Orders for Protection. ~~Against Domestic Violence not later than 8 hours after it is received by the Central Repository.~~

~~3.~~ 5. The information in the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence must~~

~~(a) *Must*~~ must be accessible by computer at all times to each agency of criminal justice. ~~;~~

~~4.;~~ ~~and~~

~~(b) *Upon request, may be provided to any agency of the Federal Government.*~~

6. *The Repository for Information Concerning Orders for Protection shall retain all records of an expired temporary or extended order for protection unless such an order is sealed by a court of competent jurisdiction.*

7. *The existence of a record of an expired temporary or extended order for protection in the Repository for Information Concerning Orders for Protection does not prohibit a person from obtaining a firearm or a permit to carry a concealed firearm unless such conduct violates:*

(a) *A court order; or*

(b) *Any provision of federal or state law.*

~~7.~~ 8. On or before July 1 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection ~~against domestic violence~~ issued pursuant to NRS 33.020, 200.378 and 200.591 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection. ~~Against Domestic Violence.~~ The report must include, without limitation, information for each court that issues

temporary or extended orders for protection ~~against domestic violence~~ pursuant to NRS 33.020, 200.378 and 200.591, respectively, concerning:

(a) The total number of temporary and extended orders that were granted by the court ~~pursuant to NRS 33.020~~ during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;

(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

~~5-8-7~~ 9. The information provided pursuant to subsection ~~4-7-8~~ must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

~~6-9-7~~ 10. The Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ must not contain any information concerning an event that occurred before October 1, 1998.

~~7-10-7~~ 11. As used in this section, “Canadian domestic-violence protection order” has the meaning ascribed to it in NRS 33.119.

Sec. 9. ~~NRS 193.166 is hereby amended to read as follows:~~

~~193.166~~ 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection ~~5~~ 6 of NRS 200.591, in violation of:

~~(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;~~

~~(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;~~

~~(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;~~

~~(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;~~

~~(e) A temporary or extended order issued pursuant to NRS 200.378; or~~

~~(f) A temporary or extended order issued pursuant to NRS 200.591;~~

~~shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.~~

~~2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:~~

- ~~(a) The facts and circumstances of the crime;~~
- ~~(b) The criminal history of the person;~~
- ~~(c) The impact of the crime on any victim;~~
- ~~(d) Any mitigating factors presented by the person; and~~
- ~~(e) Any other relevant information.~~

~~The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.~~

~~3. The sentence prescribed by this section:~~

- ~~(a) Must not exceed the sentence imposed for the crime; and~~
- ~~(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.~~

~~4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.~~

~~5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact. (Deleted by amendment.)~~

Sec. 10. Chapter 200 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 10.3 and 10.7 of this act.**

Sec. 10.3. Any time a court issues a temporary or extended order for protection against a person alleged to have committed the crime of sexual assault and any time a person serves such an order, or receives any information or takes any other action pursuant to this section and NRS 200.378 to 200.3783, inclusive, the court or person, as applicable, shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

Sec. 10.7. Any time a court issues a temporary or extended order for protection against stalking, aggravated stalking or harassment and any time a person serves such an order, or receives any information or takes any other action pursuant to this section and NRS 200.571 to 200.601, inclusive, the court or person, as applicable, shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

Sec. 11. ~~¶NRS 200.591 is hereby amended to read as follows:~~

~~200.591 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~(b) A hearing is held on the petition.~~

~~4. Notwithstanding any other provision of law, in any hearing on a petition for an extended order pursuant to this section:~~

~~(a) Testimony as to the reputation or an opinion of the petitioner concerning his or her previous sexual conduct is inadmissible.~~

~~(b) If the adverse party desires to present evidence of any specific instance of previous sexual conduct of the petitioner, the court must first determine that such evidence is relevant towards the issue of the credibility of the petitioner or it is material to a fact at issue and the probative value outweighs~~

~~any prejudicial effect. If the court makes such a determination, it may admit evidence of the specific instance of previous sexual conduct of the petitioner for the purpose of proving:~~

- ~~— (1) Consensual sexual conduct with the adverse party;~~
- ~~— (2) The origin of semen, pregnancy or disease; or~~
- ~~— (3) False allegations made by the petitioner in support of a previous petition for an order for protection against the adverse party.~~

~~— 5. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~— [5.] 6. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

- ~~— (a) A temporary order is guilty of a gross misdemeanor;~~
- ~~— (b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~— [6.] 7. Any court order issued pursuant to this section must:~~

- ~~— (a) Be in writing;~~
- ~~— (b) Be personally served on the person to whom it is directed; and~~
- ~~— (c) Contain the warning that violation of the order:~~
 - ~~— (1) Subjects the person to immediate arrest;~~
 - ~~— (2) Is a gross misdemeanor if the order is a temporary order;~~
 - ~~— (3) Is a category C felony if the order is an extended order.~~

~~— [7.] 8. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

- ~~— (a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~
- ~~— (b) The person has previously violated a temporary or extended order for protection; or~~
- ~~— (c) At the time of the violation or within 2 hours after the violation, the person has:~~
 - ~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~
 - ~~— (2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110. (Deleted by amendment.)~~

~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~— (2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110. (Deleted by amendment.)~~

Sec. 12. [NRS 200.592 is hereby amended to read as follows:

~~— 200.592 — 1. The payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to NRS 200.591. After any hearing and not later than final disposition of such an application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.~~

~~2. The clerk of the court shall provide a person who petitions the court for a temporary or extended order pursuant to NRS 200.591 and the adverse party, free of cost, with information about the:~~

~~(a) Availability of temporary and extended orders pursuant to NRS 200.591;~~

~~(b) Procedure for filing an application for such an order; and~~

~~(c) Right to proceed without legal counsel.~~

~~3. A person who obtains an order pursuant to NRS 200.591 must not be charged any fee to have the order served in this State.~~

~~4. *If a law enforcement agency is designated to serve such an order pursuant to NRS 200.591, service of the order must be given priority over other service by the law enforcement agency to which priority is not otherwise given by specific statute.* (Deleted by amendment.)~~

Sec. 13. NRS 200.594 is hereby amended to read as follows:

200.594 1. A temporary order issued pursuant to NRS 200.591 expires within such time, not to exceed 30 ~~45~~ days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed ~~1 year,~~ 2 years, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for no more than ~~1 year,~~ 2 years.

4. The court shall enter a finding of fact providing the basis for the imposition of an extended order effective for more than 1 year.

5. At any time while the extended order is in effect, the party who obtained the extended order or the adverse party may appear and move for its dissolution or modification based on changes of circumstance of the parties, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

6. This section must not be construed to limit the adverse party to an interlocutory appeal pursuant to NRS 200.591.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. 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. 28.

Bill read second time.

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

Amendment No. 346.

AN ACT relating to veterans; revising provisions governing the evidence satisfactory to declare status as a veteran on an instruction permit, driver's license, identification card and commercial driver's license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles is required to inquire of any applicant for an instruction permit, driver's license, identification card or commercial driver's license whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States. (NRS 483.292, 483.852, 483.927) If a person wishes to declare his or her status as a veteran, the person must provide evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States. Such a person may also indicate to the Department whether or not the person wishes to have placed on his or her permit, license or card a designation that he or she is a veteran. (NRS 483.2925, 483.853) **Section 1 of this bill authorizes the Department to enter into an agreement with the Department of Veterans Services for the purpose of exchanging information relevant to verifying that an applicant was honorably discharged from the Armed Forces of the United States.**

Sections ~~1-3~~ 2-4 of this bill provide that such evidence may include, without limitation, digital verification obtained from the Nevada Veterans Information System maintained by the Department of Veterans Services. ~~It~~ of certain discharge and separation forms.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department may enter into an agreement, including, without limitation, an interlocal agreement that meets the requirements of chapter 277 of NRS, with the Department of Veterans Services. The agreement may provide for, without limitation, the electronic or digital sharing of information for the purposes of NRS 483.292, 483.852 and 483.927.

~~Section 1.~~ **Sec. 2.** NRS 483.292 is hereby amended to read as follows:
483.292 1. When a person applies to the Department for the initial issuance of an instruction permit or driver's license pursuant to NRS 483.290 or 483.291 or the renewal of an instruction permit or driver's license, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide:

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States; and

(b) A written release authorizing the Department of Motor Vehicles to provide to the Department of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have placed on his or her instruction permit or driver's license a designation that he or she is a veteran, as described in NRS 483.2925, must:

(a) If applying for the initial issuance of an instruction permit or driver's license, appear in person at an office of the Department and submit evidence satisfactory to the Department that ~~the person~~ **he or she** has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an instruction permit or driver's license upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person an honorable discharge or other document of honorable separation from the Armed Forces of the United States ~~+~~ **or other evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.**

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the instruction permit or driver's license to continue to designate that the person is a veteran.

4. The Department shall, at least once each month:

(a) Compile a list of persons who have, during the immediately preceding month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that list to the Department of Veterans Services to be used for statistical and communication purposes.

5. ***As used in this section, "evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States" includes, without limitation, digital verification obtained from the Nevada Veterans Information System, or its successor, maintained by the Department of Veterans Services ~~+~~, of the applicant's DD Form 214, Certificate of Release or Discharge from Active Duty, issued by the United States Department of Defense, or a similar form, including, without limitation:***

(a) AF IMT 100, Request and Authorization for Separation;

(b) DD Form 217, Discharge Certificate;

(c) NA Form 13038, Certification of Military Service;

(d) NAVCG 2510, Honorable Discharge, United States Coast Guard;

(e) NAVMC 70-PD, Honorable Discharge, United States Marine Corps;

(f) NAVMC 78-PD, United States Marine Corps Report of Separation;

(g) NAVPERS-553, Notice of Separation from United States Naval Service;

(h) NAVPERS-660, Honorable Discharge from United States Navy;

(i) NGB Form 22, Report of Separation and Record of Service, National Guard Bureau;

(j) NMC 2571 A&I, Honorable Discharge, United States Marine Corps;

(k) WD AGO 53, Enlisted Record and Report of Separation Honorable Discharge;

(l) WD AGO 53-55, Enlisted Record and Report of Separation Honorable Discharge;

(m) WD AGO 53-58, Enlisted Record and Report of Separation Honorable Discharge;

(n) WD AGO 55, Honorable Discharge from The Army of the United States;

(o) WD AGO 525, Honorable Discharge from the United States Army;

(p) WD AGO 755, Honorable Discharge, Women's Army Auxiliary Corps; and

(q) WD AGO-729, Honorable Discharge from the Army of the United States of America.

~~{Sec. 2.}~~ **Sec. 3.** NRS 483.852 is hereby amended to read as follows:

483.852 1. When a person applies to the Department for the initial issuance of an identification card pursuant to NRS 483.850 or the renewal of an identification card pursuant to NRS 483.875, the Department shall inquire whether the person desires to declare that he or she is a veteran of the Armed Forces of the United States.

2. If the person desires to declare pursuant to subsection 1 that he or she is a veteran of the Armed Forces of the United States, the person shall provide:

(a) Evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States; and

(b) A written release authorizing the Department of Motor Vehicles to provide to the Department of Veterans Services personal information about the person, which release must be signed by the person and in a form required by the Director pursuant to NRS 481.063.

3. In addition to the declaration described in subsection 1, a person who is a veteran of the Armed Forces of the United States and who wishes to have placed on his or her identification card a designation that he or she is a veteran, as described in NRS 483.853, must:

(a) If applying for the initial issuance of an identification card, appear in person at an office of the Department and submit evidence satisfactory to the Department that ~~the person~~ **he or she** has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of an identification card upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person an honorable discharge or other document of honorable separation from the Armed Forces of the United

States ~~†~~ or other evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the identification card to continue to designate that the person is a veteran.

4. The Department shall, at least once each month:

(a) Compile a list of persons who have, during the immediately preceding month, declared pursuant to subsection 1 that they are veterans of the Armed Forces of the United States; and

(b) Transmit that list to the Department of Veterans Services to be used for statistical and communication purposes.

5. *As used in this section, “evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States” includes, without limitation, digital verification obtained from the Nevada Veterans Information System, or its successor, maintained by the Department of Veterans Services ~~†~~, of the applicant’s DD Form 214, Certificate of Release or Discharge from Active Duty, issued by the United States Department of Defense, or a similar form, including, without limitation:*

(a) AF IMT 100, Request and Authorization for Separation;

(b) DD Form 217, Discharge Certificate;

(c) NA Form 13038, Certification of Military Service;

(d) NAVCG 2510, Honorable Discharge, United States Coast Guard;

(e) NAVMC 70-PD, Honorable Discharge, United States Marine Corps;

(f) NAVMC 78-PD, United States Marine Corps Report of Separation;

(g) NAVPERS-553, Notice of Separation from United States Naval Service;

(h) NAVPERS-660, Honorable Discharge from United States Navy;

(i) NGB Form 22, Report of Separation and Record of Service, National Guard Bureau;

(j) NMC 2571 A&I, Honorable Discharge, United States Marine Corps;

(k) WD AGO 53, Enlisted Record and Report of Separation Honorable Discharge;

(l) WD AGO 53-55, Enlisted Record and Report of Separation Honorable Discharge;

(m) WD AGO 53-58, Enlisted Record and Report of Separation Honorable Discharge;

(n) WD AGO 55, Honorable Discharge from The Army of the United States;

(o) WD AGO 525, Honorable Discharge from the United States Army;

(p) WD AGO 755, Honorable Discharge, Women’s Army Auxiliary Corps; and

(q) WD AGO-729, Honorable Discharge from the Army of the United States of America.

~~†Sec. 3†~~ Sec. 4. NRS 483.927 is hereby amended to read as follows:

483.927 1. A person who wishes to have placed on his or her commercial driver's license a designation that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 2 must:

(a) If applying for the initial issuance of a commercial driver's license, appear in person at an office of the Department and submit evidence satisfactory to the Department that ~~the person~~ **he or she** has been honorably discharged from the Armed Forces of the United States.

(b) If applying for the renewal of a commercial driver's license upon which a designation that the person is a veteran:

(1) Is not placed, submit by mail or in person an honorable discharge or other document of honorable separation from the Armed Forces of the United States ~~+~~ **or other evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States.**

(2) Is placed, submit by mail, in person or by other means authorized by the Department a statement that the person wishes the commercial driver's license to continue to designate that the person is a veteran.

2. Upon the request of a person that his or her commercial driver's license indicate that he or she is a veteran of the Armed Forces of the United States pursuant to subsection 1, and who satisfies the requirements of that subsection, the Department shall place on any commercial driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a veteran.

3. The Director shall determine the design and placement of the designation of veteran status required by this section on any commercial driver's license to which this section applies.

4. ***As used in this section, "evidence satisfactory to the Department that he or she has been honorably discharged from the Armed Forces of the United States" includes, without limitation, digital verification obtained from the Nevada Veterans Information System, or its successor, maintained by the Department of Veterans Services ~~+~~, of the applicant's DD Form 214, Certificate of Release or Discharge from Active Duty, issued by the United States Department of Defense, or a similar form, including, without limitation:***

(a) AF IMT 100, Request and Authorization for Separation;

(b) DD Form 217, Discharge Certificate;

(c) NA Form 13038, Certification of Military Service;

(d) NAVCG 2510, Honorable Discharge, United States Coast Guard;

(e) NAVMC 70-PD, Honorable Discharge, United States Marine Corps;

(f) NAVMC 78-PD, United States Marine Corps Report of Separation;

(g) NAVPERS-553, Notice of Separation from United States Naval Service;

(h) NAVPERS-660, Honorable Discharge from United States Navy;

(i) NGB Form 22, Report of Separation and Record of Service, National Guard Bureau;

(j) NMC 2571 A&I, Honorable Discharge, United States Marine Corps;

(k) WD AGO 53, Enlisted Record and Report of Separation Honorable Discharge;

(l) WD AGO 53-55, Enlisted Record and Report of Separation Honorable Discharge;

(m) WD AGO 53-58, Enlisted Record and Report of Separation Honorable Discharge;

(n) WD AGO 55, Honorable Discharge from The Army of the United States;

(o) WD AGO 525, Honorable Discharge from the United States Army;

(p) WD AGO 755, Honorable Discharge, Women's Army Auxiliary Corps; and

(q) WD AGO-729, Honorable Discharge from the Army of the United States of America.

~~Sec. 4.~~ **Sec. 5.** 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 July 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. 30.

Bill read second time.

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

Amendment No. 580.

SUMMARY—Revises provisions governing ~~the appropriation of~~ water. (BDR 48-214)

AN ACT relating to water; **authorizing the State Engineer to require certain applicants to submit a monitoring, management and mitigation plan;** authorizing the State Engineer, under certain circumstances, to consider ~~the approval of a proposal to avoid or eliminate conflicts between an applicant for a permit to appropriate water and the existing holders of water rights and owners of domestic wells;~~ **such a plan before approving or denying an application for a permit;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Engineer to reject an application for a permit to appropriate water to beneficial use if there is no unappropriated water at the source of supply or if the proposed use or change of use of the water conflicts with existing rights or protectable interests in existing domestic wells or threatens to prove detrimental to the public interest. (NRS 533.370) **Section 1** of this bill ~~provides that before rejecting an application because the proposed~~

~~use or change conflicts with existing rights or protectable interests,]~~
authorizes, under certain circumstances, the State Engineer ~~[may consider~~
~~certain proposals to avoid or eliminate the conflict. Section 1 authorizes]~~ **to**
require an applicant for a permit to submit a monitoring, management
and mitigation plan. Section 1 also requires the State Engineer to ~~[approve~~
~~the application for such a permit on the conditions that before the water is~~
~~appropriated for beneficial use: (1) every measure or action included in the~~
~~proposal that the State Engineer determines is necessary to avoid or eliminate~~
~~the conflict is taken; and (2) the conflict is avoided or eliminated.]~~ **give certain**
notice and have a public hearing on such a plan before determining
whether to approve or deny an application for a permit. Sections 2-9 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 533 of NRS is hereby amended by adding thereto a
 new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, the State
Engineer may require any person who submits an application to submit a
monitoring, management and mitigation plan.

2. If there is water available for appropriation in the proposed source of
supply, ~~and~~ in the amount of water set forth in an application, before rejecting
an application because the proposed use or change set forth in ~~an~~ the
application ~~conflicts~~ may conflict with existing rights or protectable
interests in domestic wells as set forth in NRS 533.024, the State Engineer
may ~~instead consider a proposal to avoid or eliminate the conflict, which~~
~~may include, without limitation:~~

~~**(a) An agreement between]** **require the applicant [and each holder of**
~~**existing rights and owner of a domestic well with whom the application**~~
~~**conflicts;**~~~~

~~**(b) A monitoring, management and mitigation plan; or**~~

~~**(c) Any other plan to avoid or eliminate the conflict or replenish the**~~
~~**source of supply impacted or depleted by the conflict.**~~

~~**2.] to make a reasonable effort to avoid the potential conflict, including,**~~
without limitation:

(a) Configuring the point or points of diversion and diversion rates to
avoid any potential conflict;

(b) Reduce the size of the project or improve water efficiency to avoid any
potential conflict; and

(c) Work cooperatively with holders of existing rights and owners of
domestic wells to enter into a mutual agreement that avoids any potential
conflict.

↪ The applicant must submit to the State Engineer documentation of the
efforts to meet the requirements of this subsection.

~~3. If the State Engineer [determines that a proposal submitted pursuant to subsection 1 will avoid or eliminate the conflict, the State Engineer may approve the application on the condition that before the applicant appropriates the water for beneficial use:~~

~~(a) Every measure or action included in the proposal that the State Engineer determines is necessary to avoid or eliminate the conflict is taken; and~~

~~(b) The conflict is avoided or eliminated.] finds that the applicant has demonstrated that the reasonable efforts made pursuant to subsection 2:~~

~~(a) Avoid any potential conflict, the State Engineer may, subject to the provisions of NRS 533.370, approve the application.~~

~~(b) Did not avoid any potential conflict, the State Engineer may require the applicant to submit a monitoring, management and mitigation plan.~~

4. The State Engineer shall:

(a) Hold a public hearing on every proposed monitoring, management and mitigation plan; and

(b) Before holding the public hearing required pursuant to paragraph (a), cause notice of the monitoring, management and mitigation plan to be:

(1) Published once a week for 4 consecutive weeks in a newspaper of general circulation in the county where the point of diversion is located. The notice must include, without limitation, the date of the public hearing required pursuant to paragraph (a). Proof of publication must be filed within 30 days after the final day of publication.

(2) If the application is for a proposed well described in subsection 3 of NRS 533.360, mailed to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may hold the public hearing on the plan pursuant to paragraph (a).

↪ The State Engineer may require an applicant to pay the costs of publication and notice required pursuant to this subsection.

5. If the State Engineer determines after the public hearing required pursuant to subsection 4 that the applicant has demonstrated that any potential conflict will be avoided pursuant to the monitoring, management and mitigation plan, the State Engineer may, subject to the provisions of NRS 533.370, approve the application on the condition that before the applicant appropriates water for beneficial use or changes the place of diversion, manner of use or place of use of water already appropriated:

(a) Every measure or action in the monitoring, management and mitigation plan is taken; and

(b) The potential conflicts are avoided.

6. If the State Engineer determines after the public hearing required pursuant to subsection 4 that the applicant has not demonstrated that the potential conflicts will be avoided pursuant to the monitoring, management and mitigation plan, the State Engineer shall reject the application pursuant to NRS 533.370.

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

- (a) The application is accompanied by the prescribed fees;
- (b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and
- (c) The applicant provides proof satisfactory to the State Engineer of the applicant's:
 - (1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and
 - (2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10 ~~1~~ and **section 1 of this act**, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

- (a) Whether the applicant has justified the need to import the water from another basin;
- (b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;
- (c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;
- (d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and
- (e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

- (a) Upon written authorization to do so by the applicant.
- (b) If an application is protested.
- (c) If the purpose for which the application was made is municipal use.
- (d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.
- (e) Where court actions or adjudications are pending, which may affect the outcome of the application.
- (f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.
- (g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.
- (h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.
- (i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be

returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 3. NRS 533.371 is hereby amended to read as follows:

533.371 The State Engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period if the State Engineer determines that:

1. The application is incomplete;
2. The prescribed fees have not been paid;
3. The proposed use is not temporary;
4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;
5. ~~The~~ **Except as otherwise provided in section 1 of this act, the** proposed use conflicts with existing rights; or
6. The proposed use threatens to prove detrimental to the public interest.

Sec. 4. NRS 533.450 is hereby amended to read as follows:

533.450 1. Except as otherwise provided in NRS 533.353, any person feeling aggrieved by any order or decision of the State Engineer, acting in person or through the assistants of the State Engineer or the water commissioner, affecting the person's interests, when the order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, **and section 1 of this act**, or NRS 533.481,

534.193, 535.200 or 536.200, may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which must be initiated in the proper court of the county in which the matters affected or a portion thereof are situated, but on stream systems where a decree of court has been entered, the action must be initiated in the court that entered the decree. The order or decision of the State Engineer remains in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days after the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case must be heard by the court, and must be informal and summary, but full opportunity to be heard must be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at the Office of the State Engineer at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice must also be served personally or by registered or certified mail upon the person who may have been affected by the order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, must be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript must be furnished on demand, at actual cost, to any person affected by the order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. An order or decision of the State Engineer must not be stayed unless the petitioner files a written motion for a stay with the court and serves the motion personally or by registered or certified mail upon the State Engineer, the applicant or other real party in interest and each party of record within 10 days after the petitioner files the petition for judicial review. Any party may oppose the motion and the petitioner may reply to any such opposition. In determining whether to grant or deny the motion for a stay, the court shall consider:

(a) Whether any nonmoving party to the proceeding may incur any harm or hardship if the stay is granted;

(b) Whether the petitioner may incur any irreparable harm if the stay is denied;

(c) The likelihood of success of the petitioner on the merits; and

(d) Any potential harm to the members of the public if the stay is granted.

6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond must be filed within 5 days after the court determines the amount of the bond pursuant

to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required for a public agency of this State or a political subdivision of this State.

7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.

8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

9. Appeals may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from the judgment of the district court in the same manner as in other civil cases.

10. The decision of the State Engineer is prima facie correct, and the burden of proof is upon the party attacking the same.

11. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.

Sec. 5. NRS 533.475 is hereby amended to read as follows:

533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, **and section 1 of this act** and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.

Sec. 6. NRS 533.480 is hereby amended to read as follows:

533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, **and section 1 of this act** shall be guilty of a misdemeanor.

Sec. 7. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion, manner of use or place of use under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or distributing the water are situated in any other state; but in all such cases where the place of intended use, or the lands, or part of the lands identified as the place of use, are situated within this state, the permit must be issued as in other cases, pursuant to the provisions of NRS 533.324 to 533.450, inclusive, **and section 1 of this act**, and chapter 534 of NRS.

2. The permit must not purport to authorize the doing or refraining from any act or thing, in connection with the system of appropriation, not properly within the scope of the jurisdiction of this state and the State Engineer to grant.

Sec. 8. NRS 533.520 is hereby amended to read as follows:

533.520 1. Any person who files an application for a permit to appropriate water from above or beneath the surface of the ground for use outside this State, or to change the point of diversion under an existing water right which has a place of use outside of this State, or to change the place of use of water from a location in this State to a location outside this State under an existing right, must file an application with the State Engineer for a permit to do so pursuant to provisions of NRS 533.324 to 533.450, inclusive, **and section 1 of this act**, and chapter 534 of NRS.

2. The State Engineer may approve such an application if the State Engineer determines that the applicant's use of the water outside this State complies with the requirements of NRS 533.324 to 533.450, inclusive, **and section 1 of this act** and those provisions of chapter 534 of NRS pertaining to the appropriation of water. In making the determination, the State Engineer shall consider:

- (a) The supply of water available in this State;
- (b) The current and reasonably anticipated demands for water in this State;
- (c) The current or reasonably anticipated shortages of water in this State;
- (d) Whether the water that is the subject of the application could feasibly be used to alleviate current or reasonably anticipated shortages of water in this State;
- (e) The supply and sources of water available to the applicant in the state in which the applicant intends to use the water;
- (f) The demands placed on the applicant's supply of water in the state in which he or she intends to use the water; and
- (g) Whether the request in the application is reasonable, taking into consideration the factors set forth in paragraphs (a) to (f), inclusive.

3. The State Engineer may, as a condition to the approval of such an application, require the applicant to file a certificate from the appropriate official in the state in which the water is to be used, indicating to the satisfaction of the State Engineer that the intended use of the water would be beneficial and that the appropriation is feasible.

4. A person who is granted a permit pursuant to this section shall comply with the laws and regulations of this State governing the appropriation and use of water, as amended from time to time, and any change in the point of diversion, manner of use or place of use of water under a permit issued pursuant to this section is subject to the requirements of this section.

5. The State Engineer may, as a condition of the approval of any permit granted pursuant to this section, require that the use of water in another state be subject to the same regulations and restrictions that may be imposed upon the use of water in this State.

6. Upon submittal of an application under this section, the applicant and, if the applicant is a natural person, the personal representative of the person, are subject to the jurisdiction of the courts of this State and to service of process as provided in NRS 14.065.

Sec. 9. 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 ~~or a proposal~~ monitoring, management and mitigation plan to avoid ~~or eliminate a~~ any potential conflict is ~~approved~~ required by the State Engineer pursuant to section 1 of this act. 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, 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, 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.

Sec. 10. 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. 32.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 313.

AN ACT relating to workforce development; authorizing certain nonprofit entities ~~and certain governmental agencies~~ to participate in certain programs of workforce recruitment, assessment and training; authorizing the training of existing employees of an employer as part of certain programs of workforce

recruitment, assessment and training; **revising provisions governing the application process for a provider of such a program or a business that wishes to participate in such a program; revising provisions governing certain funding which is available to defray the cost of such a program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~requires the Office of Economic Development to develop and implement one or more programs to provide customized workforce development services to persons that create and expand certain businesses in this State and relocate businesses to this State. (NRS 231.055) Existing law also authorizes a person who operates a business or will operate a business in this State to apply to the Office to participate in a program of workforce recruitment, assessment and training. (NRS 231.1467)~~ **authorizes a person who wishes to provide a program of workforce recruitment, assessment and training to apply to the Office of Economic Development for approval of the program. If a provider is approved to provide the program, the provider is authorized to apply for an allocation, grant or loan of money from the Office and businesses that operate or will operate in this State are authorized to apply to participate in the program. (NRS 231.1467) Section ~~2~~ 3.5 of this bill expands ~~eligibility~~ the businesses eligible to participate in such a program ~~to~~ by authorizing nonprofit organizations ~~and state and local governmental agencies.~~ that satisfy certain criteria to participate in a program of workforce recruitment, assessment and training. Section ~~3~~ 4.5 of this bill expands programs of workforce recruitment, assessment and training to include programs which provide training to existing employees of a participating ~~employer.~~ business.**

Existing law ~~requires an application for participation in~~ **establishes the process by which a provider of a program of workforce recruitment, assessment and training ~~to include a description of the number and types of jobs that the business expects will be created as a result of its participation in the program. (NRS 231.1467)~~ applies to the Office for approval of the program. (NRS 231.1467) Section 5 of this bill : (1) authorizes the Office of Economic Development to establish by regulation a preapplication process pursuant to which a provider of a proposed program is authorized to qualify to obtain the approval of the Office for the program; and (2) requires the application to include ~~a description of the number and types of jobs that the employer expects will be created or retained as a result of its participation in the program.~~ certain additional information that is required to be included in the application by existing regulations. (NAC 231.305) Section 5 further provides that to obtain the approval of the Office for the program, the program is required to provide a credential or an identifiable skill to persons who successfully complete the program and be a strategic partnership between the provider of the program and a business participating in the program. The partnership is authorized to include, without limitation, nonprofit organizations, secondary**

educational institutions, local workforce development boards, local governments and any other relevant party. Finally, section 5 removes the requirement for the Office to approve or disapprove each application for approval of a program of workforce recruitment, assessment and training within 60 days after receiving a complete application.

Existing law authorizes a provider of a program of workforce recruitment, assessment and training approved by the Office or the governing body of a local government within the jurisdiction of which the provider will provide the approved program to apply to the Office for an allocation, grant or loan of money to defray in whole or in part the cost of the program. Existing law requires the Office to give priority to programs of workforce recruitment, assessment and training that satisfy certain criteria. (NRS 231.1467) Section 5 adds to the criteria a program is required to satisfy to obtain priority for approval a requirement that: (1) the program provide to persons who successfully complete the program a credential or identifiable skill that would not otherwise be available to be obtained in this State; and (2) the program consist of a course of study or training that completes the training of workers within a period of not more than 12 months. Section 5 further authorizes the use of an allocation, grant or loan of money from the Office to pay the fees or tuition, or both, for persons who receive training in the program and to pay for equipment necessary to provide the training. Under section 5, any equipment purchased with money allocated, granted or loaned by the Office is the property of the Office and is required to be returned to the Office if the provider of the program does not successfully deliver the program for which the allocation, grant or loan of money was made.

Existing law authorizes a business that operates or will operate in this State to apply to the Office to participate in a program of workforce recruitment, assessment and training that has been approved by the Office. (NRS 231.1467) Section 5 requires an application submitted by such a business to include proof that the business is registered or commits to be registered in this State, is not excluded from being awarded contracts by the Federal Government because it has been debarred under federal law and the business has not conducted layoffs in the immediately preceding 12 months for the type of job for which the business will participate in the program. Section 5 further establishes the information that is required to be included in the application if the business is applying to participate in a program that provides training to existing employees of the business. Section 8.5 of this bill eliminates a program pursuant to which a business that operates or will operate in this State is authorized to apply for approval of a program of workforce training.

Sections 4 and 6-8 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 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. ~~["Employer" means:~~

~~1. A business conducted for profit;~~

~~2. A nonprofit organization;~~

~~3. An agency of this State or of a local government, as defined in NRS 354.474, in this State.] (Deleted by amendment.)~~

Sec. 3. ~~["Program of workforce recruitment, assessment and training" includes a program which provides training to one or more existing employees employed by an employer participating in the program.] (Deleted by amendment.)~~

Sec. 3.5. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of this section and NRS 231.141 to 231.152, inclusive, the term "business" includes, without limitation, an entity which:

1. Has registered with the Office of the Secretary of State as a nonprofit corporation pursuant to chapter 82 of NRS or which has received a certificate of authority from the Commissioner of Insurance pursuant to chapter 695B of NRS;

2. Is exempt from federal income tax pursuant to 26 U.S.C. § 501; and

3. Engages in an activity that is consistent with the State Plan for Economic Development.

Sec. 4. NRS 231.141 is hereby amended to read as follows:

231.141 As used in NRS 231.141 to 231.152, inclusive, ~~and [sections 2 and 3] section 3.5 of this act~~, unless the context otherwise requires, the words and terms defined in NRS 231.1415 and 231.146 ~~[and sections 2 and 3 of this act]~~ have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 231.146 is hereby amended to read as follows:

231.146 "Program of workforce development" ~~includes:~~

~~1. A program of workforce training provided pursuant to NRS 231.147.~~

~~2. A] means a~~ program of workforce recruitment, assessment and training provided pursuant to NRS 231.1467 ~~[,], including, without limitation, a program which provides training to one or more existing employees of a business participating in a program.~~

Sec. 5. NRS 231.1467 is hereby amended to read as follows:

231.1467 1. A person who wishes to provide a program of workforce recruitment, assessment and training may apply to the Office for approval of the program. The Office may establish by regulation a preapplication process pursuant to which a person becomes qualified to obtain the approval of the Office for a program of workforce recruitment, assessment and training.

2. An application to obtain the approval of the Office for a program of workforce recruitment, assessment and training must be submitted on a form prescribed by the Office;

~~2. Each application must~~ and include:

(a) The name, address, ~~and~~ telephone number and electronic mail address of the applicant;

(b) The name of each business ~~employer~~ for which the applicant will provide the proposed program of workforce recruitment, assessment and training;

(c) A statement of the objectives of the proposed program of workforce recruitment, assessment and training;

(d) The primary economic sector that will be served by the program of workforce recruitment, assessment and training for which the applicant is seeking approval;

(e) Evidence that there is a shortage of:

(1) Qualified workers in this State in the industry to be served by the proposed program of workforce recruitment, assessment and training; and

(2) Programs to provide training to workers in this State in that industry;

(f) A statement demonstrating the past performance of the applicant in providing programs of workforce development, including, without limitation:

(1) The number and type of credentials and certifications issued by programs of workforce development provided by the applicant; and

(2) The number of businesses successfully served by programs of workforce development provided by the applicant;

(g) A proposed plan for the provision of the program of workforce recruitment, assessment and training for which the applicant is seeking approval on a statewide basis;

(h) A list of existing equipment or facilities that will be used by the program of workforce recruitment, assessment and training for which the applicant is seeking approval;

(i) A projection of the number of primary jobs that will be served by the program of workforce recruitment, assessment and training for which the applicant is seeking approval and the wages for those jobs;

(j) A projection of the amount of capital investment in this State that is associated with primary jobs served by the program of workforce recruitment, assessment and training for which the applicant is seeking approval;

(k) Evidence satisfactory to the Office that the proposed program of workforce recruitment, assessment and training is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112;

(l) A statement that each business participating in the proposed program of workforce recruitment, assessment and training will provide to the

Executive Director of the Office such information as the Executive Director deems necessary to enable the Office to prepare the report required by NRS 231.1513;

(m) A workforce diversity action plan; and

~~[(e)]~~ (n) The estimated cost of the proposed program of workforce recruitment, assessment and training.

3. Any program of workforce recruitment, assessment and training approved by the Office pursuant to this section must:

(a) Include a workforce diversity action plan approved by the Office; ~~and~~

(b) To the extent practicable, be provided on a statewide basis to support the industrial and economic development of all geographic areas of this State ~~and~~;

(c) Provide a credential or an identifiable skill to persons who successfully complete the program of workforce recruitment, assessment and training; and

(d) Be a strategic partnership between the provider of the program of workforce recruitment, assessment and training and a business participating in the program. The partnership may include, without limitation, nonprofit organizations, secondary educational institutions, local workforce development boards, local governments and any other relevant party.

4. The Office shall:

(a) Maintain on the Internet website of the Office a list of the criteria for evaluating applications for approval of a program of workforce recruitment, assessment and training; and

~~(b) Approve or disapprove each application for approval of a program of workforce recruitment, assessment and training within 60 days after receiving a complete application; and~~

~~(c)~~ Provide notice of the approval or disapproval of each application to the applicant within 10 days after approving or disapproving the application.

5. An authorized provider that provides a program of workforce recruitment, assessment and training approved by the Office pursuant to this section or the governing body of a local government within the jurisdiction of which the authorized provider will provide the program may apply to the Office for an allocation, grant or loan of money to defray in whole or in part the cost of the program. The application must be submitted on a form prescribed by the Office.

6. The Office shall approve or deny each application for an allocation, grant or loan of money submitted pursuant to subsection 5 within 45 days after receipt of the application. When considering an application, the Office shall give priority to a program of workforce recruitment, assessment and training that will provide workforce development services to one or more businesses that:

(a) Provide high-skill and high-wage jobs to residents of this State;

(b) Provide to persons who successfully complete the program of workforce recruitment, assessment and training a credential or identifiable skill that would not otherwise be available to be obtained in this State;

(c) Consists of a course of study or training that completes the training of workers within a period of not more than 12 months;

(d) To the greatest extent practicable, use materials that are produced or bought in this State;

~~(e)~~ (e) Are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~(d)~~ (f) Are consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.

7. An authorized provider may use money distributed pursuant to this section ~~for~~ for any of the following:

(a) To provide technical services to a business ~~[an employer]~~ that participates in the program of workforce recruitment, assessment and training ~~.~~

(b) To pay fees or tuition, or both, for persons who receive training in the program of workforce recruitment, assessment and training.

~~(c)~~ (c) To ~~provide publicity for~~ promote the program of workforce recruitment, assessment and training and for job recruiting and assessments conducted through the program ~~.~~

~~(e)~~ (d) To provide instructional services ~~.~~

~~(d)~~ (e) To provide analysis of on-site training ~~.~~

~~(e)~~ (f) To pay for equipment necessary to conduct the training. Any equipment purchased by the authorized provider using money distributed pursuant to this section is the property of the Office. If the authorized provider does not successfully deliver the program of workforce recruitment, assessment and training for which the authorized provider received a distribution of money pursuant to this section, the authorized provider must return the equipment to the Office and the Office may authorize other authorized providers to use the equipment to conduct training pursuant to a program of workforce recruitment, assessment and training approved by the Office.

(g) To pay any costs relating to the rental of instructional facilities, including, without limitation, utilities and costs relating to the storage and transportation of equipment and supplies ~~.~~

~~(f)~~ (h) To pay administrative and personnel costs ~~.~~ and

~~(g)~~ (i) To pay any other costs necessary to effectively carry out the program of workforce recruitment, assessment and training.

8. A person ~~[An employer]~~ who operates a business ~~[employs]~~ or will operate a business ~~[employ persons]~~ in this State may apply to the Office to participate in a program of workforce recruitment, assessment and training provided by an authorized provider. The application must be submitted on a form prescribed by the Office and must include, without limitation:

- (a) The name, address and telephone number of the business; ~~employer;~~
- (b) Proof satisfactory to the Office that the business is registered pursuant to the laws of this State or that the business commits to obtain a valid business license and all other permits required by this State and the county, city or town in which the business operates;
- (c) Proof satisfactory to the Office that the business is not excluded from receiving contracts from the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being debarred;
- (d) Proof satisfactory to the Office that the business has not conducted layoffs in the 12 months immediately preceding submission of the application to the Office for the type of job for which the business is applying to participate in the program of workforce recruitment, assessment and training;
- (e) Proof satisfactory to the Office that the business ~~participation of the employer in the program~~ is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053;
- ~~(e)~~ (f) A description of the number and types of jobs that the business ~~employer~~ expects will be created or retained in this State as a result of its participation in the program of workforce recruitment, assessment and training and the wages the business ~~employer~~ expects to pay to persons employed in those jobs;
- ~~(d)~~ (g) The types of services which will be provided to the business through the program of workforce recruitment, assessment and training;
- ~~(e)~~ (h) If the program of workforce recruitment, assessment and training will provide training to existing employees of the business:
- (1) A plan setting forth the job promotions for employees who successfully complete the program and the increased wages that will be paid to employees who successfully complete the program;
- (2) A plan for filling the jobs vacated by employees who successfully complete the program and obtain job promotions;
- (3) A statement signed by each business that will participate in the program certifying that if the program set forth in the application is approved and money is allocated, granted or loaned by the Office for the program, each employee who successfully completes the program:
- (I) Will be employed in a full-time and permanent position in the business; and
- (II) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in this State or the county in which the business is located, as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and
- (4) A list of the costs that each business that will participate in the program will pay to satisfy any requirement to providing matching funding to receive an allocation, grant or loan of money from the Office;

(i) A workforce diversity action plan approved by the Office; and
~~[(e)]~~ (j) Any other information required by the Office.

Sec. 5.5. NRS 231.1468 is hereby amended to read as follows:

231.1468 A workforce diversity action plan submitted to the Office for approval pursuant to paragraph (a) of subsection 3 of NRS 231.1467 or paragraph ~~[(e)]~~ (i) of subsection 8 of NRS 231.1467 must include, without limitation:

1. A statement expressing a commitment to workforce diversity, an explanation of the actions that will be taken and strategies that will be implemented to promote workforce diversity and the goals and performance measures which will be used to measure the success of the plan in achieving those goals; and

2. A statement expressing a commitment to comply with all applicable federal and state laws.

Sec. 6. NRS 231.149 is hereby amended to read as follows:

231.149 1. The Office may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of NRS 231.141 to 231.152, inclusive ~~[(j)]~~, ~~and [sections 2 and 3]~~ section 3.5 of this act.

2. Any money the Office receives pursuant to subsection 1 must be deposited in the State Treasury for credit to the Workforce Innovations for a New Nevada Account pursuant to NRS 231.151.

3. A person who makes a gift, grant, donation or contribution to the Office to carry out the provisions of NRS 231.141 to 231.152, inclusive, ~~and [sections 2 and 3]~~ section 3.5 of this act must be:

(a) Informed that the receipt and use by the Office of the gift, grant, donation or contribution may be conditioned upon terms specified by the person; and

(b) Provided the opportunity to place conditions upon the receipt and use by the Office of the gift, grant, donation or contribution.

Sec. 7. NRS 231.151 is hereby amended to read as follows:

231.151 1. The Workforce Innovations for a New Nevada Account is hereby created in the State General Fund. Any money the Office receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive ~~[(j)]~~, ~~and [sections 2 and 3]~~ section 3.5 of this act:

(a) Must be deposited in the State General Fund for credit to the Account; and

(b) May only be used to carry out those provisions.

~~2. Except as otherwise provided in subsection 3, the balance remaining in the Account that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year reverts to the State General Fund.~~

~~3. In calculating the uncommitted remaining balance in the Account at the end of an odd-numbered fiscal year, any money in the Account that is attributable to a gift, grant, donation or contribution:~~

~~— (a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and~~

~~— (b) Must be excluded from the calculation of the uncommitted remaining balance in the Account at the end of each odd numbered fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.~~

~~4.]~~ The Office shall administer the Account. Any interest or income earned on the money in the Account must be credited to the Account. Any claims against the Account must be paid as other claims against the State are paid.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 8. NRS 231.152 is hereby amended to read as follows:

231.152 The Office may adopt such regulations as are necessary to carry out the provisions of NRS 231.141 to 231.152, inclusive ~~†~~, ~~and sections 2 and 3~~ **section 3.5 of this act.**

Sec. 8.5. **NRS 231.147 is hereby repealed.**

Sec. 9. This act becomes effective ~~on July 1, 2019.~~ **upon passage and approval.**

TEXT OF REPEALED SECTION

231.147 Application for approval of program of workforce training; contents of application; assistance in completing application; approval or denial of application by Office; matching money; notification of approval or denial.

1. A person who operates a business or will operate a business in this State may apply to the Office for approval of a program of workforce training. The application must be submitted on a form prescribed by the Office.

2. Each application must include:

(a) The name, address and telephone number of the business;

(b) The number and types of jobs for the business that are available or will be available upon completion of the program of workforce training;

(c) A statement of the objectives of the proposed program of workforce training;

(d) The estimated cost for each person enrolled in the program of workforce training; and

(e) A statement signed by the applicant certifying that, if the program of workforce training set forth in the application is approved and money is granted by the Office to an authorized provider for the program of workforce training, each employee who completes the program of workforce training;

(1) Will be employed in a full-time and permanent position in the business; and

(2) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:

(I) This State; or

(II) The county in which the business is located,

↪ as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Upon request, the Office may assist an applicant in completing an application pursuant to the provisions of this section.

4. Except as otherwise provided in subsection 5, the Office shall approve or deny each application within 45 days after receipt of the application. When considering an application, the Office shall give priority to a business that:

(a) Provides high-skill and high-wage jobs to residents of this State;

(b) To the greatest extent practicable, uses materials for the business that are produced or bought in this State;

(c) Is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(d) Is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.

5. Before approving an application, the Office shall establish the amount of matching money that the applicant must provide for the program of workforce training. The amount established by the Office for that applicant must not be less than 25 percent of the amount the Office approves for the program of workforce training.

6. If the Office approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.

7. If the Office denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 47.

Bill read second time.

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

Amendment No. 127.

AN ACT relating to mental health; establishing a pilot program to respond to persons suffering from mental health crises in certain counties; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain duties relating to the provision of mental health services in this State. (NRS 433.331-433.374) **Section 5** of this bill requires the Division to establish a pilot program to respond to persons suffering from mental health crises in certain sparsely populated counties. Specifically, the pilot program provides for the transportation of a person with mental illness who is detained on an emergency basis to a mental health facility: (1) by someone other than a law enforcement officer; (2) within a reasonable time; and (3) in a manner that is safe and dignified. Additionally, the pilot program provides for an initial in-person response to a mental health crisis by trained emergency medical personnel or law enforcement officers working in collaboration with a mental health professional, either in person or through telehealth. The pilot program also provides for a follow-up response by a case manager that is designed to address the ongoing needs of the person who experienced the mental health crisis. **Section 6** of this bill makes an appropriation to the Division to pay certain costs of the pilot program.

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

Section 1. As used in sections 1 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2, 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 2. "Crisis intervention team training" means training for emergency medical attendants and law enforcement officers regarding:

1. Signs and symptoms of mental health crisis;
2. Mental health treatment options in the local community; and
3. De-escalation and crisis intervention techniques to facilitate interaction and referrals to treatment.

Sec. 3. "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 4. "Mental health professional" means ~~+~~ :

1. A psychiatrist, a psychologist, a physician assistant under the supervision of a psychiatrist or an advanced practice registered nurse or clinical social worker who has the psychiatric training and experience necessary for the advanced practice registered nurse or clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200. ~~+~~ ; and

2. If the scope of practice of a clinical professional counselor or marriage and family therapist is expanded during the 80th Session of the Legislature to include the diagnosis and treatment of a psychotic disorder, a clinical professional counselor or marriage and family therapist, as applicable.

Sec. 5. 1. The Division of Public and Behavioral Health of the Department of Health and Human Services, **in consultation with the behavioral health policy board established by NRS 433.429 for the rural behavioral health region created by NRS 433.428,** shall establish a pilot program to respond to persons suffering from mental health crises in counties whose population is less than 55,000. The program must provide for:

(a) The transportation of a person with mental illness who is detained pursuant to NRS 433A.150 to a mental health facility by someone other than a law enforcement officer, **including, without limitation, a nongovernmental entity authorized by NRS 433A.160 to transport such a person to a mental health facility and approved by the Division,** within a reasonable time and in a manner that is safe and dignified;

(b) An initial, in-person response to a person suffering from a mental health crisis by an emergency medical attendant or law enforcement officer who has received crisis intervention team training;

(c) A mental health professional to work in partnership with the emergency medical attendants or law enforcement officers described in paragraph (b) in person or through telehealth during the initial response to a person suffering from a mental health crisis; and

(d) A follow-up response to a person who has suffered a mental health crisis by a case manager. The follow-up response must be designed to address the ongoing needs of the person who suffered the mental health crisis for care and support in a manner that, to the extent possible, allows the person to remain in the least restrictive setting possible.

2. The Division shall ~~update~~ **update**:

(a) Enter into one or more contracts with community-based organizations to provide the services described in subsection 1;

(b) In collaboration with those community-based organizations, determine the sites from which the services described in subsection 1 will be provided;

(c) Periodically evaluate the pilot program established pursuant to subsection 1, including, without limitation, by identifying the strengths and weaknesses of the pilot program, any recommended improvements to the pilot program and any changes in the outcomes of persons who receive services through the pilot program, and post a report of the evaluation on an Internet website maintained by the Division; and

(d) Update the Legislative Committee on Health Care not less than 3 times during the 2019-2020 interim and upon request concerning the progress of the pilot program established pursuant to subsection 1.

3. As used in this section:

(a) “Person with mental illness” has the meaning ascribed to it in NRS 433A.115.

(b) **“Population” has the meaning ascribed to it in NRS 0.050.**

(c) **“Telehealth” has the meaning ascribed to it in NRS 629.515.**

Sec. 6. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the following sums:

(a) \$150,000 to fund crisis intervention team training for emergency medical attendants and law enforcement officers who respond to mental health crises pursuant to paragraph (b) of subsection 1 of section 5 of this act.

(b) \$150,000 to support a mental health professional to:

(1) Coordinate the training described in paragraph (a); and

(2) Provide the services described in paragraph (c) of subsection 1 of section 5 of this act.

(c) \$200,000 to support ~~four~~ **three** case managers to provide the services described in paragraph (d) of subsection 1 of section 5 of this act.

(d) ~~150,000~~ **\$50,000** for the costs of travel and supplies needed ~~to carry out the provisions of~~ **for case managers and mental health professionals to provide the services described in** section 5 of this act.

(e) \$25,000 for the costs of activities necessary to evaluate the pilot program established pursuant to section 5 of this act.

2. Any remaining balance of the appropriation made by subsection 1 of this section 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. 7. 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. 50.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 599.

AN ACT relating to elections; revising provisions governing the dates for certain city elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a city incorporated pursuant to general law to choose by ordinance whether to: (1) hold city elections on the statewide election cycle; or (2) hold a primary city election on the first Tuesday after the first Monday in April and hold a general city election on the second Tuesday after the first Monday in June of odd-numbered years. (NRS

293C.115, 293C.140, 293C.145, 293C.175) **Sections 4-7** of this bill require that cities hold elections on the statewide election cycle beginning in the year 2022. **Sections 3 ~~and 6-14~~, 6 and 7.3-14** of this bill amend various other dates relating to city elections, such as the date for filing declarations of candidacy, **to conform to the statewide election cycle.** **Section 51** of this bill provides that officials of affected cities who are elected in 2019 will hold office until the city elections are held in 2022, and that officials of such cities who are elected in 2021 will hold office until the city elections are held in 2024.

Certain cities that are created by charters hold general municipal elections in June of odd-numbered years (Boulder City, Caliente, Henderson, Las Vegas, North Las Vegas and Yerington). **Sections 17-50** of this bill amend the charter of each of those cities to require that the cities hold primary and general city elections on the same dates as the statewide primary and general elections. **Section 52** of this bill provides for the terms of office of officials of such cities who were elected in 2017 or who will be elected in 2019, and the terms of office of municipal judges who were elected to 6-year terms in 2015 or 2017 or who will be elected in 2019, to be extended by 1 year to allow for the transition to the statewide election cycle. **Section 52.5 of this bill requires Boulder City to transition to the statewide election cycle in accordance with the ordinance adopted by the City Council of Boulder City for such purpose effective November 1, 2018.**

Existing law requires, with limited exception, a candidate for any office to be voted for at the primary city election to file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. (NRS 293C.175) Section 7 of this bill requires, effective upon passage and approval of this bill, a candidate for judicial office at a primary city election to instead file a declaration of candidacy with the city clerk not earlier than the first Monday in January of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January, consistent with the filing period for all other judicial candidates.

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

Section 1. NRS 293.059 is hereby amended to read as follows:

293.059 “General city election” means an election held pursuant to NRS ~~293C.115,~~ 293C.140 or 293C.145. The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city.

Sec. 2. NRS 293.079 is hereby amended to read as follows:

293.079 “Primary city election” means an election held pursuant to NRS ~~293C.115 or~~ 293C.175. The term includes a primary municipal election held pursuant to the provisions of a special charter of an incorporated city.

Sec. 3. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than April 15 of each year in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

2. The city clerk shall, not later than ~~January 11~~ **April 15** of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

Sec. 4. NRS 293C.115 is hereby amended to read as follows:

293C.115 ~~{1}~~ The governing body of a city incorporated pursuant to general law ~~may~~ **shall** by ordinance provide for a primary city election and a general city election on ~~{~~

~~(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or~~

~~(b) The~~ **the** dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

~~{2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.~~

~~3. If a governing body of a city adopts an ordinance pursuant to subsection 1:~~

~~(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and~~

~~(b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.]~~

Sec. 5. NRS 293C.140 is hereby amended to read as follows:

293C.140 1. ~~{Except as otherwise provided in NRS 293C.115, a}~~ A general city election must be held in each city of population categories one and two on the ~~{second}~~ **first** Tuesday after the first Monday in ~~{June}~~ **November**

of the first ~~odd-numbered~~ **even-numbered** year after incorporation, and ~~on the same day every~~ **at each successive interval of 2 years**, ~~thereafter as determined by law, ordinance or resolution,~~ at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. ~~Unless the terms of office of city council members are extended by an ordinance adopted pursuant to NRS 293C.115, the~~ **The terms of office of the council members** are 4 years, which terms must be staggered. The council members elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. ~~unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.~~

Sec. 6. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. ~~Except as otherwise provided in NRS 293C.115, a~~ A general city election must be held in each city of population category three on the ~~second~~ **first** Tuesday after the first Monday in ~~June~~ **November** of the first ~~odd-numbered~~ **even-numbered** year after incorporation, and ~~on the same day every~~ **at each successive interval of 2 years**. ~~thereafter, as determined by ordinance.~~

2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three. ~~Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the~~ **The** terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. ~~unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.~~ If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.

3. ~~Except as otherwise provided in NRS 293C.115, a~~ A candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not ~~less than 60 days nor more than 70 days before the day of the general city election.~~ **earlier than the first Monday in March of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.** The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the

electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 7. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a ~~1A~~ primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the ~~first~~ ~~second~~ Tuesday after the first Monday in April ~~June~~ of every ~~each even-numbered~~ year ~~in which a general city election is to be held~~, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a ~~1A~~ candidate for ~~any~~ an office to be voted for at the primary city election must file a declaration of candidacy with the city clerk :

(a) For a judicial office in a city that has by ordinance provided for a primary and a general city election on the dates set forth in chapter 293 of NRS, not earlier than the first Monday in January of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other offices, not less than 60 days or more than 70 days before the date of the primary city election. ~~earlier than the first Monday in March of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.~~ earlier than the 70th day before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

3. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

~~4~~ 4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

~~4~~ 5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 7.3. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. ~~Except as otherwise provided in NRS 293C.115, a 1 primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the ~~first~~ second Tuesday ~~after the first Monday~~ in ~~April~~ June of ~~every~~ each even-numbered year, ~~in which a general city election is to be held,~~ at~~

which time there must be nominated candidates for offices to be voted for at the next general city election.

2. ~~Except as otherwise provided in NRS 293C.115, a~~ A candidate for an office to be voted for at the primary city election must file a declaration of candidacy with the city clerk ~~+~~ not earlier than:

(a) For a judicial office, ~~in a city that has by ordinance provided for a primary and a general city election on the dates set forth in chapter 293 of NRS, not earlier than~~ the first Monday in January of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other offices, ~~not earlier than the 70th day before the primary city election~~ the first Monday in March of the year in which the general city election is to be held and not later than 5 p.m. on the ~~60th day before the primary city election~~ second Friday after the first Monday in March.

3. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 7.7. NRS 293C.180 is hereby amended to read as follows:

293C.180 1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection ~~44~~ 5 of NRS 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 8. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. ~~Except as otherwise provided in NRS 293C.115 and 293C.190, a~~ A name may not be printed on a ballot to be used at a primary city election unless the person named has, in accordance with NRS 293C.175, timely filed a declaration of candidacy or an acceptance of candidacy and ~~has~~ paid the fee established by the governing body of the city, ~~not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.~~ the first Monday in March of the year in which the general city election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

Declaration of Candidacy of for the
Office of

State of Nevada

City of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of, I,, the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is, that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate’s address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver’s license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate’s residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate’s name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate’s residence or because the rural or remote location of the candidate’s residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver’s license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate’s residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate’s residential address that the filing officer may accept

to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 9. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. ~~Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.~~

~~2. Except as otherwise provided in NRS 293C.115, a~~ A vacancy occurring in a nomination for a city office ~~after 5 p.m. of the first Tuesday after the first Monday in March and on or~~ before 5 p.m. of the ~~second Tuesday after the second Monday in April~~ **fourth Friday in July of the year in which the general city election is held** must be filled by the person who received the next highest vote for the nomination in the primary city election ~~;~~

~~3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no~~ **if a primary city election was held for that office. If no primary city election was held for that city office or if there was not more than one person who was seeking the nomination in the primary city election, a person may become a candidate for the city office at the general city election if the person files a declaration of candidacy or acceptance of candidacy and pays the appropriate filing fee before 5 p.m. on the fourth Friday in July.**

2. No change may be made on the ballot for the general city election after 5 p.m. ~~of the second Tuesday after the second Monday in April~~ **on the fourth Friday in July** of the year in which the general city election is held. If ~~a~~, **after that time and date:**

(a) A nominee dies ~~after that time and date,~~ **or is adjudicated insane or mentally incompetent; or**

(b) **A vacancy in the nomination is otherwise created,**

the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

~~4. Except as otherwise provided in NRS 293C.115, all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on that date.~~

Sec. 10. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election.

2. A request for the establishment of a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~that is held:~~

~~(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS,~~ the first Friday in January of the year in which the primary city election is to be held.

~~(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.~~

(2) If the request is for a general city election, ~~that is held:~~

~~(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS, the first Friday in July of the year in which the general city election is to be held.~~

~~(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.~~

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place. Any proposed location for a polling place must satisfy the criteria the city clerk uses for the establishment of any other polling place.

3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.

Sec. 11. NRS 293C.291 is hereby amended to read as follows:

293C.291 If a candidate whose name appears on the ballot at a primary city election or general city election dies after the applicable date set forth in ~~§~~

~~1. NRS 293C.370 ~~or~~~~

~~2. NRS 293.368, if the governing body of the city has adopted an ordinance pursuant to paragraph (a) of subsection 1 of NRS 293C.115,~~

~~but before the time of the closing of the polls on the day of the election, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary city election or general city election.~~

Sec. 12. NRS 293C.345 is hereby amended to read as follows:

293C.345 ~~Except as otherwise provided in NRS 293C.115, the~~ **The** city clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct ~~before 5 p.m. on the third Thursday in March and before 5 p.m. on the fourth Tuesday in May of any year in which a general city election is held,~~ an official mailing ballot to be voted by the voter at the election ~~before 5 p.m. on the last business day preceding the first day of the period for early voting for any primary city election or general city election, as applicable.~~

Sec. 13. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, except as otherwise provided in subsection ~~3,~~ **4**, the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the Indian tribe may submit a request to the city clerk for the establishment of a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place within the boundaries of an Indian reservation or Indian colony:

(a) Must be submitted to the city clerk by the Indian tribe on or before:

(1) If the request is for a primary city election, ~~that is held:~~

~~(I) On the dates set forth for primary elections pursuant to the provisions of chapter 293 of NRS,} the first Friday in January of the year in which the primary city election is to be held.~~

~~{(II) On the dates set forth for primary city elections pursuant to the provisions of this chapter, the first Friday in December of the year immediately preceding the year in which the primary city election is to be held.}~~

(2) If the request is for a general city election, ~~that is held:~~

~~(I) On the dates set forth for general elections pursuant to the provisions of chapter 293 of NRS,} the first Friday in July of the year in which the general city election is to be held.~~

~~{(II) On the dates set forth for general city elections pursuant to the provisions of this chapter, the first Friday in January of the year in which the general city election is to be held.}~~

(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof. Any proposed location must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.

5. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

6. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

7. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 14. NRS 293C.370 is hereby amended to read as follows:

293C.370 Except as otherwise provided in NRS ~~293C.115~~ **293C.190**:

1. Whenever a candidate whose name appears upon the ballot at a primary city election dies after 5 p.m. ~~on the first~~ **second** Tuesday ~~after the first Monday~~ in ~~March~~ **April**, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary city election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, the nomination is filled ~~as provided in subsection 2 of NRS 293C.190~~ **by the person who received the next highest vote for the nomination in the primary election.**

3. Whenever a candidate whose name appears upon the ballot at a general city election dies after 5 p.m. ~~on the second Tuesday after the second Monday in April~~ **fourth Friday in July of the year in which the primary city election was held**, the votes cast for the deceased candidate must be counted in determining the results of the **general city** election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general **city** election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 15. NRS 266.405 is hereby amended to read as follows:

266.405 1. In addition to the mayor and city council, there must be in each city of population category one or two a city clerk, a city treasurer, or if those offices are combined pursuant to subsection 4, a city clerk and treasurer, a municipal judge and a city attorney. The offices of city clerk, city treasurer, municipal judge and city attorney may be either elective or appointive offices, as provided by city ordinance. Except as otherwise provided in this subsection, ~~and unless the terms of those elected officers are extended by an ordinance adopted pursuant to NRS 293C.115,~~ the elected officers shall hold their respective offices for 4 years and until their successors are elected and qualified. The cities of population category three may by ordinance provide that the mayor and city council members must be elected and shall hold office for 2 years. ~~unless the terms of office of the mayor and city council members are extended by an ordinance adopted pursuant to NRS 293C.115.~~

2. In each city of population category one or two, in which the officers are appointed pursuant to ordinance, the mayor, with the advice and consent of the city council, shall appoint all of the officers.

3. In cities of population category three, the mayor, with the advice and consent of the city council, may appoint any officers as may be deemed expedient.

4. The city council may provide by ordinance for the office of city clerk and the office of city treasurer to be combined into the office of city clerk and treasurer.

Sec. 16. NRS 267.110 is hereby amended to read as follows:

267.110 1. Any city having adopted a charter pursuant to the provisions of NRS 267.010 to 267.140, inclusive, has pursuant to the charter:

(a) All of the powers enumerated in the general laws of the State for the incorporation of cities.

(b) Such other powers necessary and not in conflict with the Constitution and laws of the State of Nevada to carry out the commission form of government.

2. The charter, when submitted, must:

(a) Fix the number of commissioners, their terms of office and their duties and compensation.

(b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, duties and powers.

(c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145, ~~for with the provisions of paragraph (a) of subsection 1 of NRS 293C.115,~~ the time for the first and subsequent elections for all elective officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.

Sec. 17. Section 4 of the Charter of Boulder City is hereby amended to read as follows:

Section 4. Number; selection ; ~~and term;~~ eligibility for office; recall.

1. Except as otherwise provided in section 96, the City Council shall have four Council Members and a Mayor elected from the City at large in the manner provided in Article IX . ~~for terms of four years and until their successors have been elected and have taken office as provided in section 16.~~ No Council Member shall represent any particular constituency or district of the City, and each Council Member shall represent the entire City. (Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996)

2. (Repealed by Amd. 1; 6-4-1991)

3. No person may be elected to the office of Mayor who has served in that office for 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in the Nevada Constitution. (Add. 26; Amd. 4; 11-2-2010)

4. No person may be elected to the office of Council Member who has served in that office for 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in the Nevada Constitution. (Add. 26; Amd. 4; 11-2-2010)

5. The Council Members and the Mayor are subject to recall as provided in section 111.5.

Sec. 18. Section 12 of the Charter of Boulder City is hereby amended to read as follows:

Section 12. Vacancies in Council.

Except as otherwise provided in NRS 268.325, a vacancy on the Council must be filled by appointment by a majority of the remaining members of the Council within 30 days or after three regular or special meetings, whichever is the shorter period of time. In the event of a tie vote among the remaining members of the Council, selection must be made by lot. No such appointment extends beyond the next *general* municipal election. (Add. 19; Amd. 1; 7-16-1997)

Sec. 19. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. ~~All The two Council Members elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 4.~~

~~3. On the second Tuesday after the first Monday in June 2019, there must be elected by the qualified voters in the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office until their successors have been elected and qualified pursuant to subsection 5.~~

~~4.] On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~5.] 3. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~6. Except as otherwise provided in subsections 2 and 3, all]~~

4. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. ~~Except as otherwise provided in subsection 8, two full-term Council~~

~~Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full term Council Members are to be elected in each year immediately following a federal presidential election.~~ In each election, the candidates receiving the greatest number of votes must be declared elected to the ~~vacant~~ **available** full-term positions. (Add. 17; Amd. 1; 11-5-1996)

~~3-7-7~~ **5.** In the event one or more 2-year term positions on the Council will be available at the time of a **general** municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

~~4-8-7~~ **6.** Except as otherwise provided in subsection ~~8-9-7~~ **7.**, a primary municipal election must be held ~~on~~ :

(a) ~~On the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the second Tuesday after the first Monday in June of each odd-numbered year.~~

~~5-7~~ **2019; and**

(b) **Beginning in 2022, on the second Tuesday in June of each even-numbered year.**

~~9-7~~ **7.** A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

~~6-10-7~~ **8.** If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

~~7-11-7~~ **9.** In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

~~8.~~ The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

~~9.~~ If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

~~—10.— If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.~~

~~—11.—~~ ~~12.7~~ **10.** The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 20. The Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 55, is hereby amended by adding thereto a new section to be designated as section 5.120, immediately following section 5.110, to read as follows:

Sec. 5.120 Continuation of certain officers.

The Mayor and two Council Members elected at the general municipal election held on the second Tuesday after the first Monday in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 21. Section 1.060 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2449, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elected official.

2. The appointee shall serve until the next **general** municipal election and his or her successor is elected and qualified. At the time of the election, if a balance remains in the term of office to which the appointee was appointed, the successor may be elected only for the balance of that term.

Sec. 22. Section 2.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 954, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council Members, including the Mayor.

2. The Mayor and each Council Member must be:

(a) Bona fide residents of the City for at least 2 years immediately prior to their election.

(b) Qualified electors within the City.

3. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years except as otherwise provided in ~~section~~ **sections 5.010 ~~+~~ and 5.120.**

4. The Mayor and Council Members shall receive a salary in an amount fixed by the City Council. Such salary must not be increased or diminished during the term of the recipient.

Sec. 23. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1889, is hereby amended to read as follows:

Sec. 5.010 ~~Municipal~~ **General municipal** elections.

1. ~~Except as otherwise provided in subsection 2:~~

~~(a)~~ On the second Tuesday after the first Monday in June 2019, ~~and at each successive interval of 4 years thereafter,~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office ~~for a period of 4 years and~~ until their successors have been elected and qualified ~~+~~ **pursuant to subsection 3.**

~~(b)~~ 2. On the ~~second~~ **first** Tuesday after the first Monday in ~~June 2017,~~ **November 2022,** and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.~~

3. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held

for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 24. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 6 working days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in :

(a) July next following their election ~~[-]~~ *for those officers elected in June 2019.*

(b) *January next following their election for those officers elected in November 2022 and November of every even-numbered year thereafter.*

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 25. The Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto a new section to be designated as section 5.120, immediately following section 5.110, to read as follows:

Sec. 5.120 Continuation of certain officers.

1. *The Municipal Judge for Department 2 elected at the general municipal election held in June 2015 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 3 of section 5.020.*

2. *The Municipal Judge for Department 3 elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 5 of section 5.020.*

3. *The Mayor and one Council Member elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 2 of section 5.020.*

Sec. 26. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and, except as otherwise provided in ~~section~~ **sections 5.020 and 5.120**, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 27. Section 3.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 412, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; Mayor pro tempore.

1. The Mayor shall:

(a) Serve as a member of the City Council and preside over its meetings.

(b) Have no administrative duties.

(c) Be recognized as the head of the City government for all ceremonial purposes.

(d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.

(e) Perform such other duties, except administrative duties, as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes

which apply to a mayor of a city organized under the provisions of a special charter.

2. The City Council shall elect one of its members to be Mayor pro tempore. Such person shall:

(a) Hold such office and title, without additional compensation, during the term for which he or she was elected.

(b) Perform the duties of Mayor during the absence or disability of the Mayor.

(c) Act as Mayor until the ~~next municipal election if the office of Mayor becomes vacant.~~ ***vacancy is filled pursuant to section 1.070.***

Sec. 28. Section 4.015 of the Charter of the City of Henderson, being chapter 231, Statutes of Nevada 1991, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 4.015 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by, the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may from time to time establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each.

3. At the first primary or general municipal election which follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for a term of not more than 5 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. Except as otherwise provided in subsection 3, each Municipal Judge must be voted upon by the registered voters of the City at large and, except as otherwise provided in ~~section~~ ***subsection 3 and sections 5.020 and 5.120***, shall serve for a term of 6 years.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

6. The Senior Municipal Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Judge receives a majority of the votes, the Senior Municipal Judge is the Municipal Judge who has continuously served as a Municipal Judge for the longest period.

Sec. 29. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. ~~Except as otherwise provided in section 5.020, a~~ A primary municipal election must be held ~~on~~ :

~~(a) On the first Tuesday after the first Monday in April of each odd-numbered year, 2019; and~~

~~(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year,~~

~~↪ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.~~

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at :

~~(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June of the year of the general municipal election, 2019.~~

~~(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.~~

Sec. 30. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1890, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~Except as otherwise provided in subsection 2:~~

~~—(a) A general municipal election must be held in the City on the second Tuesday after the first Monday in June of each odd numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.~~

~~—(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.~~

~~—(e)~~ On the second Tuesday after the first Monday in June 2019, ~~and every 6 years thereafter,~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose ~~to be~~ :

(a) Three Council Members who shall hold office until their successors have been elected and qualified pursuant to subsection 4; and

(b) A Municipal Judge for Department 1 who ~~will~~ shall hold office until his or her successor has been elected and qualified ~~to~~

~~—(d)~~ *pursuant to subsection 6.*

2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the ~~second~~ first Tuesday after the first Monday in ~~June 2021,~~ November 2022, and ~~every~~ at each successive interval of 6 years, ~~thereafter,~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who ~~will~~ shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

~~—(e)~~ *4. On the ~~second~~ first Tuesday after the first Monday in ~~June 2017,~~ November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, three Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.*

5. On the first Tuesday after the first Monday in November 2024, and ~~every~~ at each successive interval of 6 years, ~~thereafter,~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who ~~will~~ shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

~~2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next~~

succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.]

6. On the first Tuesday after the first Monday in November 2026, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at a general municipal election held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

Sec. 31. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.070, ~~the officers]~~ **an officer** so elected shall qualify and enter upon the discharge of ~~their]~~ **his or her** respective duties at :

(a) If the officer is elected pursuant to subsection 1 of section 5.020, the second regular meeting of the City Council held in June of the year of the general municipal election.

(b) If the officer is elected pursuant to subsection 2, 3, 4, 5 or 6 of section 5.020, the first regular meeting of the City Council held in January of the year following the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 32. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 5.140, immediately following section 5.130, to read as follows:

Sec. 5.140 Continuation of certain officers.

1. The Municipal Judges for Departments 1, 4 and 6 elected at the general municipal election held in June 2015 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 3 of section 5.020.

2. The Municipal Judges for Departments 2, 3 and 5 elected at the general municipal election held in June 2017 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 5 of section 5.020.

3. The Council Members from even-numbered wards elected at the general municipal election held in June 2017 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.020.

Sec. 33. Section 1.140 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Council Member from each ward.

(c) Municipal Judges.

2. Except as otherwise provided in ~~section~~ **sections 5.020 ~~and~~ 5.140**, the terms of office of the Mayor and Council Members are 4 years.

3. Except as otherwise provided in subsection 3 of section 4.010 and ~~section~~ **sections 5.020 ~~and~~ 5.140**, the term of office of a Municipal Judge is 6 years.

Sec. 34. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 336, Statutes of Nevada 2015, at page 1891, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. Except as otherwise provided in section 5.010, no appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term . ~~or beyond the first regular meeting of the City Council after the second Tuesday after the first Monday in the next succeeding June in an odd numbered year, if no general municipal election is held in that year.~~

Sec. 35. Section 2.030 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.030 Mayor: Duties; Mayor pro tempore; duties.

1. The Mayor shall preside over and conduct the meetings of the City Council.

2. The City Council shall elect one of its members to be Mayor pro tempore. That person:

(a) Shall hold that office and title without additional compensation during the term for which he or she was elected as Mayor pro tempore.

(b) Possesses the powers and shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor until the ~~next municipal election, if the office of Mayor becomes vacant.~~ ***vacancy is filled pursuant to section 1.160.***

Sec. 36. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he or she continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he or she is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judges of the six departments shall elect a Master Judge from among their number. The Master Judge shall hold office for a term of 2 years commencing on :

(a) If the general municipal election is held in an odd-numbered year, July 1 of each year of a general municipal election.

(b) If the general municipal election is held in an even-numbered year, January 1 of the year following the general municipal election.

4. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

~~4.1~~ 5. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

~~5.1~~ 6. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his or her office if he or she ceases to be a resident of the City.

Sec. 37. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. ~~Except as otherwise provided in section 5.020:~~

~~1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a~~

1. A primary municipal election must be held in the City ~~at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.~~

~~2.1~~ :

*(a) On the **first** Tuesday after the first Monday in April ~~2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.~~*

~~3.1~~ *2019; and*

*(b) **Beginning in 2022, on the second Tuesday in June of each even-numbered year.***

2. In the primary municipal elections:

(a) The candidates for Council Member who are to be nominated ~~as provided in subsections 1 and 2~~ must be nominated and voted for separately according to the respective wards. ~~The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.~~

~~—4.1~~ (b) If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

~~15.1~~ 3. Each candidate for ~~the municipal offices which are provided for in subsections 1, 2 and 4~~ **municipal office** must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

~~16.1~~ 4. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

Sec. 38. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 336, Statutes of Nevada 2015, at page 1892, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~Except as otherwise provided in subsection 2,~~ **On the second Tuesday after the first Monday in June 2019, there must be elected, at a general municipal election** ~~must be held in the City on the second Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.~~

~~—2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~—3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~—4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next~~

~~succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.~~

~~5.1 held for that purpose, the Mayor and Council Members from odd-numbered wards who shall hold office until their successors have been elected and qualified pursuant to subsection 4.~~

~~2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected, at a general municipal election held for that purpose, the Council Members from even-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election held for that purpose, Municipal Judges for Departments 1, 4 and 6 who shall hold office for a period of 6 years and until their successors have been elected and qualified.~~

~~4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected, at a general municipal election held for that purpose, the Mayor and Council Members from odd-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~5. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 6 years, there must be elected, at a general municipal election held for that purpose, Municipal Judges for Departments 2, 3 and 5 who shall hold office for a period of 6 years and until their successors have been elected and qualified.~~

~~6. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.~~

Sec. 39. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 5.100, immediately following section 5.090, to read as follows:

Sec. 5.100 Continuation of certain officers.

1. The Municipal Judge elected at the general municipal election held in June 2015 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 3 of section 5.010.

2. The Mayor and two Council Members elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 40. Section 1.060 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first day of ~~July after~~ **the month following** the next **general** municipal election, at which election the office must be filled for the remaining unexpired term.

Sec. 41. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 961, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and except as otherwise provided in sections 5.010 and ~~5.025,~~ **5.100**, his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and except as otherwise provided in sections 5.010 and ~~{5.025,}~~ **5.100**, his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 42. Section 4.005 of the Charter of the City of North Las Vegas, being chapter 215, Statutes of Nevada 1997, as last amended by chapter 218, Statutes of Nevada 2011, at page 962, is hereby amended to read as follows:

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first primary or general municipal election that follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department, each Municipal Judge must be voted upon by the registered voters of the City at large and, except as otherwise provided in sections 5.010 and ~~{5.025,}~~ **5.100**, holds office for a period of 6 years and until his or her successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 43. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1892, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. ~~{Except as otherwise provided in section 5.025:~~

~~{(a)} On the second Tuesday after the first Monday in June {2017, and at each successive interval of 4 years thereafter,} 2019, there must be elected, at a general municipal election to be held for that purpose, {a Mayor and} two Council Members, who shall hold office {for a period of 4 years and} until their successors have been elected and qualified {~~

~~{(b)} pursuant to subsection 4.~~

2. On the ~~{second,}~~ **first** Tuesday after the first Monday in ~~{June 2019,}~~ **November 2022**, and at each successive interval of 4 years thereafter,

there must be elected, at a general municipal election to be held for that purpose, *a Mayor and* two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~2.~~ **3.** *On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.*

4. *On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.*

5. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 44. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. ~~Except as otherwise provided in section 5.025, a~~ A primary municipal election must be held ~~on~~ :

(a) ~~On the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.~~ **2019; and**

(b) **Beginning in 2022, on the second Tuesday in June of each even-numbered year.**

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

~~3~~ 4. Except as otherwise provided in subsection ~~4~~ 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

~~4~~ 5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.

Sec. 45. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 16 days after any election and shall canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of ~~July~~ **the month** next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 46. The Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 901, is hereby amended by adding thereto a new section to be designated as section 5.110, immediately following section 5.100, to read as follows:

Sec. 5.110 Continuation of certain officers.

The two Council Members elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 47. Section 1.060 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 515,

Statutes of Nevada 1997, at page 2453, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor must be filled by a majority vote of the members of the City Council, or the remaining members, in the case of a vacancy in the City Council, within 30 days after the occurrence of the vacancy. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first Monday ~~in July after~~ **of the month following** the next municipal election, at which election the office must be filled.

Sec. 48. Section 2.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members.

2. The Council Members must be:

(a) Bona fide residents of the City for at least 6 months immediately preceding their election.

(b) Qualified electors in the City.

3. All Council Members must be voted upon by the registered voters of the City at large and, except as otherwise provided in ~~section~~ **sections 5.010 ~~and~~ 5.110**, shall serve for terms of 4 years.

4. The Council Members shall receive a salary in an amount fixed by the City Council.

Sec. 49. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1893, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. ~~Except as otherwise provided in subsection 2:~~

~~—(a) On the second Tuesday after the first Monday in June 2019, and at each successive interval of 4 years,~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office ~~for a period of 4 years and~~ until their successors have been elected and qualified ~~;~~

~~—(b) pursuant to subsection 3.~~

2. On the ~~second~~ **first** Tuesday after the first Monday in ~~June 2017,~~ **November 2022**, and at each successive interval of 4 years, ~~thereafter,~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members, who

shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.~~

~~3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.~~

~~4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.~~

3. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 50. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 10 days after any election and canvass the returns and declare the results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday ~~in July next~~ **of the month** following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 51. Notwithstanding any other provision of law to the contrary, if a city incorporated pursuant to general law holds a general city election in:

1. June 2019, the elective city officers who are elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2022.

2. June 2021, the elective city officers who are elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2024.

Sec. 52. ~~Notwithstanding~~ Except as otherwise provided in section 52.5 of this act, notwithstanding any other provision of law to the contrary, if the term of any elective city officer whose term of office expires in 2021, 2023 or 2025 is not otherwise extended or shortened pursuant to sections 1 to 51, inclusive, of this act, the person or entity designated by law to fill vacancies that occur on the city council of the city shall appoint the incumbent elective city officer to serve as city council member, mayor, municipal judge or other elective city officer, as applicable, in that office until his or her successor is elected and qualified at the general city election in 2022, 2024 or 2026, as applicable, if that person is willing to serve in that capacity. If the person is not willing to serve in that capacity, the position must be filled in the same manner as if a vacancy occurred in the position.

Sec. 52.5. 1. Notwithstanding any other provision of this act, Boulder City shall transition to the statewide election cycle pursuant to Ordinance No. 1613, effective on November 1, 2018, and any amendments consistent thereto, passed by the City Council of Boulder City.

2. To carry out and accomplish this purpose, Ordinance No. 1613, and any amendments consistent thereto, are not preempted or repealed, either expressly or by implication, by the provisions of this act and must remain in effect until Boulder City has completed its transition to the statewide election cycle and is conducting elections in a manner consistent with the provisions of this act.

3. Any person elected to the office of Mayor or Council Member in Boulder City in June 2019 or June 2021 under Ordinance No. 1613, and any amendments consistent thereto, shall serve a shortened term in office pursuant to Ordinance No. 1613, and any amendments consistent thereto, until their successors are elected and qualified at the general city election in November 2022 or November 2024, as applicable.

Sec. 53. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, at page 961, is hereby repealed.

Sec. 54. 1. This section and sections **7, 7.7, 8, 17, 18 and 20** to 53, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to **6, inclusive, 7.3, 9 to 16, inclusive, and 19** of this act become effective on July 1, 2021.

TEXT OF REPEALED SECTION

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

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. 73.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 411.

SUMMARY—Provides for ~~additional sources of funding for services and affordable housing for persons who are homeless or indigent.~~ **the creation of a temporary working group in Clark County to address issues relating to homelessness.** (BDR ~~32-461~~) **S-461**)

AN ACT relating to ~~indigent~~ **homeless** persons; ~~imposing an additional tax on the transfer of real property in certain larger counties to provide funding for services and affordable housing for persons who are homeless or indigent in the county; authorizing the governing body of an incorporated city to impose an annual surcharge on users of the sewer service of the incorporated city to provide funding for support services and affordable housing for persons who are homeless or indigent in the incorporated city;~~ **providing for the creation of a temporary working group in Clark County to address issues relating to homelessness; requiring the working group to prepare and submit a report of its recommendations to address issues relating to homelessness;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides for the imposition of taxes on certain transfers of real property. (Chapter 375 of NRS) Section 1 of this bill imposes such a tax at the~~

rate of 25 cents for each \$500 of value in each county whose population is 700,000 or more (currently Clark County). Under section 1, the county and cities within the county are required to use the proceeds of the tax to provide services or affordable housing to persons who are homeless or indigent in the county. Sections 2, 3 and 5-7 of this bill provide that the tax imposed by section 1 is administered in the same manner as all other taxes imposed by existing law or transfers of real property and that the exemptions from those taxes also apply to a tax imposed pursuant to section 1.

~~Section 4 of this bill authorizes the governing body of an incorporated city to impose an annual surcharge on users of the sewer service of the incorporated city in an amount not to exceed \$25 multiplied by the “equivalent residential unit” calculated for the user by the incorporated city. Under section 4, the incorporated city is required to account separately for the proceeds of the surcharge and use those proceeds to provide services for persons who are homeless or indigent within the incorporated city. Section 4 defines “equivalent residential unit” to mean the average amount of wastewater discharged by a class of users of the city’s sewer service divided by the average amount of wastewater discharged by a single-family dwelling.~~

This bill requires the Board of County Commissioners of Clark County and the governing bodies of each city in Clark County to create a working group to: (1) consider methods to reduce homelessness in Clark County; and (2) identify sources of funding for programs created to reduce homelessness in Clark County. This bill requires the working group to prepare and submit a report to the Board and governing bodies on or before October 1, 2020, which sets forth: (1) recommendations on methods to reduce homelessness in Clark County; and (2) sources of funding to implement the recommendations made in the report. Additionally, this bill requires the Board and governing bodies to hold a public hearing on the report and set forth the reason for rejecting a recommendation in the report on the record at the public hearing.

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

Section 1. ~~Chapter 375 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. In addition to all other taxes imposed on transfers of real property, a tax, at the rate of 25 cents for each \$500 of value or fraction thereof, is hereby imposed in each county whose population is 700,000 or more on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds \$100.~~

~~2. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060.~~

~~3. The county recorder shall collect the tax in the manner provided in NRS 375.030, except that he or she shall transmit all the proceeds from the tax imposed pursuant to this section to the Local Government Tax Distribution Account created by NRS 360.660, for credit to the account of the county in which the tax is imposed.~~

~~4. The proceeds received by the county and each city pursuant to subsection 3 must be used by the county or city to provide services or affordable housing to homeless or indigent persons within the county or city, as applicable. (Deleted by amendment.)~~

Sec. 2. ~~NRS 375.030~~ is hereby amended to read as follows:

~~375.030 1. If any deed evidencing a transfer of title or land sale installment contract subject to the tax imposed by NRS 375.020 and 375.023 and, if applicable, NRS 375.026 and section 1 of this act is offered for recordation, the county recorder shall compute the amount of the tax due and shall collect that amount before acceptance of the deed for recordation.~~

~~2. The buyer and seller are jointly and severally liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act and any penalties and interest imposed pursuant to subsection 3. The escrow holder is not liable for the payment of the taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act or any penalties or interest imposed pursuant to subsection 3.~~

~~3. If, after recordation of the deed or land sale installment contract, the county recorder disallows an exemption that was claimed at the time the deed was recorded or through audit or otherwise determines that an additional amount of tax is due, the county recorder shall promptly notify the person who requested the recording of the deed or land sale installment contract and the buyer and seller of the additional amount of tax due. If the additional amount of tax is not paid within 30 days after the date the buyer and seller are notified, the county recorder shall impose a penalty of 10 percent of the additional amount due in addition to interest at the rate of 1 percent per month, or portion thereof, of the additional amount due calculated from the date of the original recordation of the deed or land sale installment contract on which the additional amount is due through the date on which the additional amount due, penalty and interest are paid to the county recorder.~~

~~4. This section does not prohibit a buyer and seller from agreeing by contract or otherwise that one party or the other will be responsible for the payment of the tax due pursuant to this chapter, but such an agreement does not affect the ability of the county recorder to collect the tax and any penalties and interest from either the buyer or the seller. (Deleted by amendment.)~~

Sec. 3. ~~NRS 375.090~~ is hereby amended to read as follows:

~~375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act do not apply to:~~

~~1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated~~

~~business entity if the affiliated business entity has identical common ownership.~~

~~—2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.~~

~~—3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.~~

~~—4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.~~

~~—5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.~~

~~—6. A transfer of title between former spouses in compliance with a decree of divorce.~~

~~—7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.~~

~~—8. Transfers, assignments or conveyances of unpatented mines or mining claims.~~

~~—9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.~~

~~—10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive.~~

~~—11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:~~

~~—(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;~~

~~—(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or~~

~~—(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act;~~

~~—* if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.~~

~~—12. A transfer to an educational foundation. As used in this subsection, “educational foundation” has the meaning ascribed to it in subsection 3 of NRS 388.750.~~

~~—13. A transfer to a university foundation. As used in this subsection, “university foundation” has the meaning ascribed to it in subsection 3 of NRS 396.405.~~

~~—14. A transfer to a library foundation. As used in this subsection, “library foundation” has the meaning ascribed to it in NRS 379.0056. (Deleted by amendment.)~~

Sec. 4. ~~Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The governing body of an incorporated city may impose, and provide for the collection and enforcement of, an annual surcharge on each user of the sanitary sewer system of the incorporated city in an amount not to exceed \$25 multiplied by the equivalent residential unit calculated for the class of user in which the user is placed by the incorporated city.~~

~~2. An annual surcharge imposed pursuant to this section is in addition to any sewer service fees or sewer connection fees, and any other surcharge on the use of the sanitary sewer system of the incorporated city, imposed on the users of the sanitary sewer system of the incorporated city.~~

~~3. The proceeds of an annual surcharge imposed pursuant to this section must be accounted for separately in the general fund of the incorporated city and used by the incorporated city to provide services or affordable housing to homeless or indigent persons in the incorporated city.~~

~~4. As used in this section, "equivalent residential unit" means a fraction, the numerator of which is the average amount of wastewater discharged by the class of customer in which the user of sewer services is placed by the incorporated city and the denominator of which is the average amount of wastewater discharged by a single family dwelling, as determined by the incorporated city.~~ **(Deleted by amendment.)**

Sec. 5. ~~NRS 379.1495 is hereby amended to read as follows:~~

~~379.1495 1. A library foundation:~~

~~(a) Shall comply with the provisions of chapter 241 of NRS;~~

~~(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;~~

~~(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act pursuant to subsection 14 of NRS 375.090; and~~

~~(d) May allow a trustee or the executive director or other head administrator, or a designee thereof, of the library which it supports to serve as a member of its governing body.~~

~~2. A library foundation is not required to disclose the name of any contributor or potential contributor to the library foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The library foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the library foundation relating to that contributor.~~ **(Deleted by amendment.)**

Sec. 6. ~~NRS 388.750 is hereby amended to read as follows:~~

~~388.750 1. An educational foundation:~~

~~(a) Shall comply with the provisions of chapter 241 of NRS;~~

~~(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and~~

~~—(e) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act pursuant to subsection 12 of NRS 375.090.~~

~~—2— An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.~~

~~—3— As used in this section, “educational foundation” means a nonprofit corporation, association or institution or a charitable organization that is:~~

~~—(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;~~

~~—(b) Formed pursuant to the laws of this State; and~~

~~—(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).] (Deleted by amendment.)~~

Sec. 7. [NRS 396.405 is hereby amended to read as follows:

~~—396.405— 1. A university foundation:~~

~~—(a) Shall comply with the provisions of chapter 241 of NRS;~~

~~—(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;~~

~~—(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 and section 1 of this act pursuant to subsection 13 of NRS 375.090; and~~

~~—(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.~~

~~—2— A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.~~

~~—3— As used in this section, “university foundation” means a nonprofit corporation, association or institution or a charitable organization that is:~~

~~—(a) Organized and operated primarily for the purpose of fundraising in support of a university, state college or a community college;~~

~~—(b) Formed pursuant to the laws of this State; and~~

~~—(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).] (Deleted by amendment.)~~

Sec. 7.5. 1. The Legislature hereby finds and declares that:

(a) There is an urgent need to reduce homelessness in this State.

(b) The issue of homelessness is not isolated to a particular area but is a regional issue.

(c) It is in the best interest of the residents of this State for counties and cities to work together in a shared and cooperative way to develop strategies for identifying sources of funding to reduce homelessness.

(d) The issue of homelessness is particularly acute in Clark County, the most populous county in this State.

2. On or before October 1, 2019, the Board of County Commissioners of Clark County and the governing body of each city in Clark County shall create a working group to work in conjunction with the Continuum of Care Program of the United States Department of Housing and Urban Development to:

(a) Consider methods to reduce homelessness in Clark County; and

(b) Identify sources of funding for programs created to reduce homelessness in Clark County.

3. The working group created pursuant to subsection 2 must be composed of members appointed by the Board of County Commissioners of Clark County and the governing body of each city in Clark County, which must include, without limitation, members who are representatives of groups who work on issues involving homelessness.

4. The members of the working group appointed pursuant to subsection 3 serve without compensation.

5. On or before October 1, 2020, the working group created pursuant to subsection 2 shall prepare and submit a report to the Board of County Commissioners of Clark County and the governing body of each city in Clark County which must include recommendations on:

(a) Methods to reduce homelessness in Clark County; and

(b) Sources of funding to implement the methods identified in the report.

6. The Board of County Commissioners and each governing body of a city that receives a report pursuant to subsection 5 shall hold a public hearing on the report and may accept, modify or reject each recommendation provided in the report. If the Board or governing body rejects a recommendation in the report, the Board or governing body shall set forth the reason for rejecting the recommendation on the record during the public hearing.

Sec. 8. ~~1-1~~ This ~~section and section 4 of this~~ act ~~become~~ becomes effective upon passage and approval.

~~2. Sections 1, 2, 3, 5, 6 and 7 of this act become 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 October 1, 2019, for all other purposes.~~

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 178.

AN ACT relating to education; ~~revising provisions relating to the participation of charter schools in the statewide system of accountability; requiring a charter school to release the education records of a pupil to the sponsor of the charter school under certain circumstances; requiring the governing body of a charter school to adopt certain policies relating to English learners, parental involvement and assessments;~~ revising provisions governing the operations of the State Public Charter School Authority; ~~deeming certain records of organizations that provide services relating to the management or governance of charter schools to be public records; requiring certain employees of such organizations to receive background checks and report the abuse or neglect of a child; providing for the monitoring of criminal cases involving such employees who are unlicensed; revising provisions governing the operations and finances of charter schools;~~ **abolishing the Achievement School District; requiring an existing achievement charter school to convert to a charter school under the sponsorship of the State Public Charter School Authority or cease operations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Public Charter School Authority or a school district or college or university within the Nevada System of Higher Education that is approved by the Department of Education to sponsor a charter school. (NRS 388A.220) ~~Existing law also establishes the statewide system of accountability for public schools, which requires: (1) the board of trustees of each school district and each sponsor of a charter school to report certain information concerning schools within the district or sponsored by the sponsor, as applicable, to the Department; and (2) the State Board of Education to prepare an annual report of accountability for the State that includes certain information concerning each school district, including each charter school located within the district. (NRS 385A.070-385A.520) Section 2 of this bill requires a charter school to provide to its sponsor any information necessary to prepare its annual report. Sections 3-16 of this bill require the annual report of accountability for the state to report information concerning charter schools according to the sponsor of the charter school rather than including those schools within the school district in which the charter school is located. Sections 17-19 of this bill make conforming changes. Sections 20 and 21 of this bill require the Authority, each college or university within the Nevada System of Higher Education that sponsors a charter school and each governing body of a charter school to adopt the program for the collection, maintenance and transfer of accountability data prescribed by the Superintendent. Section 22 of this bill requires a charter school to release the education record of a pupil to the sponsor of the charter school under certain~~

circumstances. Sections 23, 24 and 75 of this bill require the governing body of a charter school to adopt policies to teach English to pupils who are English learners and encourage effective involvement and engagement by parents and families. Sections 1 and 13 of this bill make conforming changes.

~~Section 27 of this bill authorizes the Authority to investigate a violation of law or regulations related to charter schools by any person affiliated with a charter school sponsored by the Authority. Sections 28 and 78 of this bill require certain organizations that operate or provide services relating to the operation or management of a charter school, including an achievement charter school, to comply with public records laws with regard to records of communications with the staff of a charter school or relating to the business, management or governance of a charter school. Sections 61, 66, 77 and 79 of this bill require employees of such an organization who interact directly with pupils, have access to data concerning pupils or supervise the staff of a charter school, including an achievement charter school, to: (1) receive background checks; and (2) be responsible for reporting the abuse or neglect of a child.~~

~~Sections 31, 33, 34, 37, 38, 41, 47, 56 and 58 of this bill replace the term "charter management organization" with the term "network of charter schools." Section 32 of this bill authorizes a nonprofit organization to act as an educational management organization, which is an entity that provides services relating to the operation and management of charter schools.~~

~~Existing law authorizes the governing body of a charter school, including an achievement charter school, to request that the board of trustees of a school district transfer a pupil with a disability for whom the charter school is unable to provide appropriate services. (NRS 388A.453) Sections 29, 60 and 67 of this bill: (1) authorize such a request to be made only after the charter school has enrolled the pupil and with the approval of the sponsor of the charter school; (2) authorize a governing body to appeal the denial of such a request to the Department; and (3) deem a pupil who is so transferred to be enrolled in the charter school until he or she is disenrolled from the charter school.~~

~~Sections 35, 36 and 80] **Existing law requires the Department to adopt regulations, including: (1) the process for the Department to conduct a comprehensive review of sponsors of charter schools every 3 years; and (2) the process for the Department to determine whether to continue or to revoke the authorization of a sponsor to sponsor charter schools. (NRS 388A.105) Existing regulations provide that in conducting a comprehensive review of each sponsor of a charter school to determine whether to continue or revoke the authorization of a sponsor to sponsor charter schools, the Department will: (1) review the annual reports required to be submitted; (2) determine whether the sponsor has complied with applicable state laws; and (3) determine whether the sponsor is authorized to sponsor charter schools. (NAC 388A.205) Section 25 of this bill: (1) codifies into statute these requirements from regulation; and (2) requires the Department to adopt regulations prescribing the criteria to be used in determining whether to continue or revoke the authorization**~~

of the sponsor to sponsor charter schools. Section 33.6 of this bill makes a conforming change.

Existing law creates the State Public Charter School Authority and prescribes the membership of the Authority. (NRS 388A.150, 388A.153) Section 34 of this bill revises the membership of the Authority to include two members appointed by the State Board of Education. Section 34.5 of this bill makes a conforming change, and section 80.73 of this bill provides for the appointment and initial terms of the new members. Existing law deems the State Public Charter School Authority a local educational agency for limited purposes. (NRS 388A.159) Section 35 of this bill ~~revise the circumstances under which~~ **deems the Authority ~~to be a charter school sponsored by the Authority or a college or university within the Nevada System of Higher Education is deemed~~ **to be a local educational agency** ~~for all purposes.~~ Section 39 of this bill ~~authorizes~~ **requires** the Authority to adopt any regulations ~~[necessary]~~ to carry out ~~its responsibilities under state and federal law.~~**

~~Existing law authorizes the Executive Director of the Authority to pursue any other business or occupation or hold any other office with the approval of the Authority. (NRS 388A.193) Section 40 of this bill instead requires the approval of the Governor for the Executive Director to engage in such activities. Sections 47, 49, 50, 52 and 54 of this bill authorize or require, depending on the circumstances, the sponsor of a charter school to deny a request to form a charter school, amend a written charter or charter contract or renew a charter contract under certain circumstances relating to the prior performance of an educational management organization with which the governing body contracts or proposes to contract. Sections 48, 53 and 55 of this bill make conforming changes. Section 47 also requires a prospective sponsor to inform an applicant to form a charter school dedicated to providing educational services to certain pupils of any federal funding that the charter school may be ineligible to receive because it does not provide educational services to all pupils. Section 51 of this bill provides that an applicant for the issuance, amendment or renewal of a charter contract or a person who seeks any other affirmative approval of a sponsor is not entitled to the issuance, amendment, renewal or approval. Sections 57 and 77 of this bill prohibit a charter school from requiring the parent, guardian or other family member of a pupil to donate money to or volunteer at the school.~~

~~Existing law requires a charter school to pay to its sponsor a yearly sponsorship fee in a prescribed amount. (NRS 388A.414) Section 59 of this bill instead requires a charter school sponsored by the State Public Charter School Authority to pay a sponsorship fee in an amount determined in accordance with the State Budget Act. (NRS 353.150-353.246)~~

~~Existing law establishes a procedure for responding to criminal cases involving unlicensed teachers and administrators who are employed by a charter school, other than an achievement charter school. (NRS 388A.5332-388A.5342) Sections 62-65 of this bill make this procedure applicable to~~

~~criminal cases involving unlicensed employees of an educational management organization or network of charter schools who directly interact with pupils, have access to data concerning pupils or supervise the staff of a charter school. Sections 68-74 of this bill require a charter school to take certain actions regarding the administration of examinations and assessments.]~~ provisions relating to charter schools.

Existing law governs the manner in which applications for enrollment are submitted to the governing body of a charter school and requires a charter school to enroll pupils under certain circumstances. Existing law also authorizes a charter school to transfer a pupil to an appropriate school if the charter school determines it is unable to provide an appropriate special education program and services to such a pupil. (NRS 388A.453) Section 60 of this bill requires a charter school to immediately enroll certain pupils. Additionally, section 60 removes the authorization for a charter school to transfer a pupil if the charter school determines it is unable to provide an appropriate special education program and services to a pupil, as section 35 requires the State Public Charter School Authority, as the local educational agency, to provide such a program and services.

Existing law requires each sponsor of a charter school to submit a written report to the Department on or before October 1 of each year. (NRS 388A.351) Section 59.5 of this bill revises that date to on or before February 15 of each year. Additionally, section 59.5 requires the report to: (1) be submitted on a form created by the Department; (2) be submitted to the State Board of Education on or before April 1 of each year; and (3) be reviewed by the State Board.

Assembly Bill No. 448 of the 2015 Legislative Session established the Achievement School District within the Department of Education, authorized the conversion of certain public schools to achievement charter schools and made various other changes relating to such schools. (Chapter 539, Statutes of Nevada 2015, p. 3775; NRS 388B.010-388B.450) Sections 1-24.9, 32-33.4, 47 and 80.1-80.65 of this bill repeal the statutory provisions added by that bill and make other conforming changes. Section 80.75 of this bill requires the State Public Charter School Authority to administer each existing contract to operate an achievement charter school, beginning on the effective date of this bill.

Section 80.75 requires the governing body of an achievement charter school to enter into a charter contract with the State Public Charter School Authority and operate under existing law governing charter schools by July 1, 2020. If an achievement charter school does not enter into such a charter contract, section 80.75 provides that the contract to operate the achievement charter school becomes void on that date, thereby requiring the achievement charter school to cease operations.

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

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and the State Public Charter School Authority, ~~the Achievement School District,~~ each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 1.2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. ~~“Achievement charter school” means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.~~ **“Charter school” means a public school that is formed pursuant to the provisions of chapter 388A of NRS.**

2. “Department” means the Department of Education.

3. “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. “Homeschooled child” means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

5. “Local school precinct” has the meaning ascribed to it in NRS 388G.535.

6. “Opt-in child” means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "State Board" means the State Board of Education.

10. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 1.4. NRS 385.111 is hereby amended to read as follows:

385.111 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120;

(5) The Legislative Bureau of Educational Accountability and Program Evaluation; and

(6) Other persons who the State Board determines are appropriate.

2. On or before March 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation;

(d) Board of Regents of the University of Nevada;

(e) Board of trustees of each school district; *and*

(f) Governing body of each charter school; *and*

~~(g) Executive Director of the Achievement School District;~~

~~Section 1.1~~ **Sec. 1.6.** NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district ~~and the governing body of each charter school~~ pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority, ~~the Achievement School District~~, and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and

10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-numbered years and to the Legislative Commission in even-numbered years, describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational

achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority, ~~the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority, ~~Achievement School District~~ or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority, ~~the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority, ~~Achievement School District~~ and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. ~~For the purpose of preparing and reporting information pursuant to subsection 3, each charter school sponsored by the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education shall provide any information requested by the sponsor of the charter school that is necessary for the sponsor to complete the annual report of accountability pursuant to subsection 3 within the time requested by the sponsor.~~

~~5.7~~ The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. (Deleted by amendment.)

Sec. 3.2. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority ~~and the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority ~~and the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Office of Finance;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

Sec. 3.4. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority ~~and the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority ~~and the Achievement School District~~ or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;

- (2) State Board;
- (3) Department;
- (4) Committee;
- (5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority ~~of the Achievement School District~~, and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority ~~of the Achievement School District~~, or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority ~~of the Achievement School District~~ or the institution does not maintain a website, the State Public Charter School Authority ~~of the Achievement School District~~ or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority ~~of the Achievement School District~~ or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 3.6. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than

high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

- (1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;
- (2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and
- (3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, ~~the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 4. NRS 385A.400 is hereby amended to read as follows:

385A.400 1. The State Board shall, on or before January 15 of each year, prepare for the immediately preceding school year a single annual report of accountability that includes, without limitation, the information prescribed by NRS 385A.400 to 385A.520, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would

reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before January 15 of each year, the State Board shall provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department.

5. Upon the request of the Governor, the Attorney General, the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, *the State Public Charter School Authority, a college or university within the Nevada System of Higher Education*, the governing body of a charter school, ~~the Executive Director of the Achievement School District~~ or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 24.1. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority, ~~the Achievement School District~~ or a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority, ~~the Achievement School District~~ or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), ~~or (c), or (d),~~ the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) ~~The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.~~

~~(d)~~ The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

↳ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 24.2. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority, ~~the Achievement School District~~ or a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority, ~~all charter schools sponsored by the Achievement School District~~ and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority, ~~the Achievement School District~~ or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 24.3. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State, ~~the Achievement School District~~ and any governing body of any charter school in this State may, within the limits provided in this section, make such applications,

agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 24.4. NRS 387.080 is hereby amended to read as follows:

387.080 1. The Director may enter into agreements with any agency of the Federal Government, the Department, the State Board, ~~the Achievement School District,~~ any board of trustees of a school district, any governing body of a charter school or any other entity or person. The Director may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Director pursuant to regulations or policies of the State Department of Agriculture.

3. The Director may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 24.5. NRS 387.090 is hereby amended to read as follows:

387.090 Except as otherwise provided in NRS 387.114 to 387.1175, inclusive, the board of trustees of each school district, ~~the Executive Director of the Achievement School District,~~ and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.068 to 387.1175, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 24.6. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474, ~~or~~ or subsection 1 of NRS 392.074, ~~or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter~~

~~school,~~ based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 24.7. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.
- (d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.
- (e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.
- (f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 ~~and~~ **and** pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 ~~and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.~~
- (g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.
- (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

- (a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.
- (b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.
- (c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 24.75. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of chapter 388A of NRS. ~~for an achievement charter school that is formed pursuant to chapter 388B of NRS.~~

6. A university school for profoundly gifted pupils is a public school established pursuant to chapter 388C of NRS.

Sec. 24.8. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts and charter schools in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority, ~~the Achievement School District~~ and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,
↳ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.
(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

- (a) The recommendations set forth in the plan pursuant to subsection 2;
- (b) The plan for educational technology of each school district, if applicable;
- (c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and
- (d) Any other information deemed relevant by the Commission.

↪ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, “public school” includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 24.9. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935, 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) “Reasonable cause to believe” means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) “School employee” means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281; or

(2) The governing body of a charter school. ~~§ 50#~~

~~(3) The Achievement School District.~~

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

~~(4) The Executive Director of the Achievement School District.~~

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 25. Chapter 388A of NRS is hereby amended by adding thereto ~~the provisions set forth as sections 26 to 29, inclusive, of this act.~~ a new section to read as follows:

1. At least once every 3 years, the Department shall conduct a comprehensive review of each sponsor of a charter school that the Department has approved for sponsorship pursuant to NRS 388A.220.

2. In conducting a comprehensive review of a sponsor, the Department shall:

(a) Review the annual reports submitted to the Department by the sponsor pursuant to NRS 388A.351;

(b) Determine whether the sponsor has complied with all applicable statutes and regulations; and

(c) Determine whether the sponsor applies nationally recognized best practices, as described in regulation by the Department, in carrying out its duties as a sponsor.

3. The Department may obtain the assistance of any entity or person the Department deems necessary or appropriate to carry out the review.

4. After completing the comprehensive review, the Department shall determine whether to continue or revoke the authorization of a sponsor to sponsor charter schools.

5. The Department shall adopt by regulation the criteria to apply when determining whether to continue or revoke the authorization of a sponsor to charter schools pursuant to subsection 4.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 388A.030 is hereby amended to read as follows:

388A.030 “Educational management organization” means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools . ~~and achievement charter schools.~~

Sec. 33. (Deleted by amendment.)

Sec. 33.2. NRS 388A.075 is hereby amended to read as follows:

388A.075 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~Except as otherwise provided in NRS 388B.290, the~~ The conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of this chapter.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 1 of NRS 388A.471 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 33.4. NRS 388A.080 is hereby amended to read as follows:

388A.080 The provisions of this chapter do not authorize an existing public school, homeschool or other program of home study to convert to a charter school. ~~except as otherwise provided in NRS 388B.290.~~

Sec. 33.6. NRS 388A.105 is hereby amended to read as follows:

388A.105 The Department shall adopt regulations that prescribe:

1. The process for submission of an application pursuant to NRS 388A.220 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

2. ~~The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 388A.220 at least once every 3 years;~~

~~3. The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;~~

~~4.~~ The process for submission of an application to form a charter school to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;

~~5.~~ 3. The process for submission of an application to renew a charter contract to the board of trustees of a school district and a college or university

within the Nevada System of Higher Education, and the contents of the application;

~~16.1~~ 4. The criteria and type of investigation that must be applied by the board of trustees of a school district and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract;

~~17.1~~ 5. The process for submission of an amendment of a written charter or a charter contract to the board of trustees of a school district and a college or university within the Nevada System of Higher Education pursuant to NRS 388A.276 and the contents of the application; and

~~18.1~~ 6. In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(a) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(b) Ethics requirements for the governing bodies of charter schools.

Sec. 34. NRS 388A.153 is hereby amended to read as follows:

388A.153 1. The State Public Charter School Authority consists of ~~seven~~ nine members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; ~~and~~

(d) Two members appointed by the State Board of Education; and

(e) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate, ~~and~~ the Speaker of the Assembly and the State Board of Education shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools;

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and ~~networks of~~ charter management organizations. ~~schools.~~

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational management organization or ~~network of~~ charter management organization. ~~schools.~~

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or ~~network of~~ charter management organization ~~schools~~ in this State. For a teacher or administrator employed by a charter school or ~~network of~~ charter management organization ~~schools~~ to be eligible to serve as a member of the State Public Charter School Authority, the charter school or ~~network of~~ charter management organization ~~schools~~ which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.

6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

7. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

8. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than \$80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged

in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 34.5. NRS 388A.156 is hereby amended to read as follows:

388A.156 1. The members of the State Public Charter School Authority shall meet throughout the year at the times and places specified by a call of the Chair or a majority of the members.

2. ~~Four~~ **Five** members of the State Public Charter School Authority constitute a quorum, and a quorum may exercise all the power and authority conferred on the State Public Charter School Authority.

Sec. 35. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 388A.161, the State Public Charter School Authority is hereby deemed a local educational agency for ~~the purpose of directing~~ **all purposes, including, without limitation:**

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school sponsored by the State Public Charter School Authority;

(b) The provision of special education and related services provided by a charter school sponsored by the State Public Charter School Authority; and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money.

2. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

~~2.~~ **3.** As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A). ~~Each charter school:~~

~~(a) Sponsored by the State Public Charter School Authority is hereby deemed a local educational agency for the purpose of complying with any requirement of federal law or regulations that applies to local educational agencies.~~

~~(b) Sponsored by a college or university within the Nevada System of Higher Education is hereby deemed to be a local educational agency for the purpose of reporting information pertaining to a local educational agency.~~

Sec. 36. **(Deleted by amendment.)**

Sec. 37. **(Deleted by amendment.)**

Sec. 38. **(Deleted by amendment.)**

Sec. 39. NRS 388A.168 is hereby amended to read as follows:

388A.168 ~~1.~~ The State Public Charter School Authority shall adopt **such** regulations ~~that prescribe:~~

- ~~—1. (a) The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;~~
- ~~—2. (b) The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;~~
- ~~—3. (c) The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 388A.276 and the contents of the application;~~
- ~~—4. (d) The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications;~~
- ~~—5. (e) The process for evaluating the overall performance of a teacher, which must include, without limitation, the criteria for determining whether the overall performance of a teacher is ineffective, developing, effective or highly effective; and~~
- ~~—6. (f) The qualifications for employment as a paraprofessional by a charter school.~~

~~—2. The State Public Charter School Authority may adopt any other regulations as it deems necessary to carry out its responsibilities under the provisions of this chapter, for any other state or federal law or regulation, including, without limitation, provisions relating to its duties as a sponsor of charter schools or a local educational agency. Such regulations may provide for the State Public Charter School Authority to appoint a hearing officer to conduct a hearing on any matter before the State Public Charter School Authority.]~~

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or ~~[a network of]~~ charter management organization ~~[schools]~~ may submit the application to the proposed sponsor of the charter school. ~~[Except as otherwise provided in NRS 388B.290, if]~~ If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. ~~[If an application proposes to form a charter school to serve only certain pupils as described in subsection 8 of NRS 388A.453, the proposed sponsor must inform the applicant whether the proposed charter school may~~

~~not be eligible for any federal funding for which the proposed charter school would otherwise qualify because the charter school does not provide educational services to all pupils.~~

~~3.]~~ The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

~~3. [4.]~~ The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school.

~~4. [5.] In addition to any other reason to deny an application to form a charter school, the proposed sponsor of a charter school may deny such an application if the applicant proposes to contract with an educational management organization that provided services to a charter school in another state or the District of Columbia for which the sponsor terminated or refused to renew the charter contract or other document of authority to operate the charter school within the immediately preceding 6 years.~~

~~6. The proposed sponsor of a charter school shall deny an application to form a charter school if the applicant proposes to contract with an educational management organization that~~

~~(a) Within the immediately preceding 6 years, has provided services to a charter school in this State for which the sponsor revoked the written charter, terminated the charter contract or refused to renew the written charter or charter contract; or~~

~~(b) Provided services to a charter school in this State and a charter school in another state or the District of Columbia for which the sponsor terminated or refused to renew the charter contract or other document of authority to operate both charter schools, if the most recent termination or refusal to renew occurred within the immediately preceding 12 years.~~

~~7.]~~ On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 59.5. NRS 388A.351 is hereby amended to read as follows:

388A.351 1. On or before ~~October 1~~ February 15 of each year, the sponsor of a charter school shall submit a written report to the Department ~~1~~ on a form prescribed by the Department. The written report must include:

~~1-1~~ (a) For each charter school that it sponsors with a written charter, an evaluation of the progress of each such charter school in achieving the educational goals and objectives of the written charter.

~~1-2~~ (b) For each charter school that it sponsors with a charter contract, a summary evaluating the academic, financial and organizational performance of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

~~1-3~~ (c) An identification of each charter school approved by the sponsor:

~~(a)~~ (1) Which has not opened and the scheduled time for opening, if any;

~~(b)~~ (2) Which is open and in operation;

~~(c)~~ (3) Which has transferred sponsorship;

~~+(d)~~ (4) Whose written charter has been revoked or whose charter contract has been terminated by the sponsor;

~~+(e)~~ (5) Whose charter contract has not been renewed by the sponsor; and

~~+(f)~~ (6) Which has voluntarily ceased operation.

~~+(d)~~ (d) A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

~~+(e)~~ (e) A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to NRS 388A.381, including an itemized accounting of the actual costs of those services.

~~+(f)~~ (f) The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

2. On or before April 1 of each year, the Department shall submit to the State Board the report required pursuant to this section, to be reviewed by the State Board.

Sec. 60. NRS 388A.453 is hereby amended to read as follows:

388A.453 1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State.

2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS 388A.336, ~~and~~ subsections 1 and 2 of NRS 388A.456, **and any applicable federal law, including, without limitation, 42 U.S.C. §§ 11301 et seq.,** a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.

4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

6. Except as otherwise provided in subsection ~~9-1~~ 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity;
- (e) Disability;
- (f) Sexual orientation; or
- (g) Gender identity or expression,

↳ of a pupil.

7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

~~8. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.~~

~~9-1~~ This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk or, for a charter school that is eligible to be rated using the alternative performance framework pursuant to subsection 4 of NRS 385A.740, who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3 of NRS 385A.740.

↳ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)

Sec. 66. (Deleted by amendment.)

Sec. 67. (Deleted by amendment.)

Sec. 68. (Deleted by amendment.)

Sec. 69. (Deleted by amendment.)

Sec. 70. (Deleted by amendment.)

Sec. 71. (Deleted by amendment.)

Sec. 72. (Deleted by amendment.)

Sec. 73. (Deleted by amendment.)

Sec. 74. (Deleted by amendment.)

Sec. 75. (Deleted by amendment.)

Sec. 76. (Deleted by amendment.)

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 80.1. NRS 388G.050 is hereby amended to read as follows:

388G.050 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils ~~for an achievement charter school.~~

2. The board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more but less than 700,000 shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 80.15. NRS 390.265 is hereby amended to read as follows:

390.265 “School official” means:

1. A member of a board of trustees of a school district;
2. A member of a governing body of a charter school; or
3. A licensed or unlicensed person employed by the board of trustees of a school district ~~or~~ or the governing body of a charter school. ~~for the Achievement School District.~~

Sec. 80.2. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, ~~Achievement School District,~~ charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, ~~Achievement School District,~~ charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. The Department shall post a copy of the plan adopted pursuant to this section and the procedures set forth therein on the Internet website maintained by the Department.

Sec. 80.25. NRS 390.380 is hereby amended to read as follows:

390.380 “School official” means:

1. A member of a board of trustees of a school district;
2. A member of a governing body of a charter school; or
3. A licensed or unlicensed person employed by the board of trustees of a school district ~~or~~ or the governing body of a charter school ~~or the Achievement School District.~~

Sec. 80.3. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness, accident or motor vehicle crash, or because of serious illness, accident, motor vehicle crash or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 388A.533, ~~or 388B.400 to 388B.450, inclusive,~~

↪ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 80.35. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority, ~~the Achievement School District,~~ or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 80.4. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, an irrigation district, a school district, ~~the Achievement School District,~~ the governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

Sec. 80.45. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated

representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.
- (i) Except as otherwise provided in subsections 6 and ~~10~~ 9, discharge and disciplinary procedures.
- (j) Recognition clause.
- (k) The method used to classify employees in the bargaining unit.
- (l) Deduction of dues for the recognized employee organization.
- (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
- (n) No-strike provisions consistent with the provisions of this chapter.
- (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
- (p) General savings clauses.
- (q) Duration of collective bargaining agreements.
- (r) Safety of the employee.
- (s) Teacher preparation time.
- (t) Materials and supplies for classrooms.
- (u) Except as otherwise provided in subsections 7, ~~8~~ and 9, ~~and 10~~, the policies for the transfer and reassignment of teachers.
- (v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

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

- (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.
- (b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

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

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

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

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

(d) Safety of the public.

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

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

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

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

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

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

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

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter

school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

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

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

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

~~9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.~~

~~10.~~ The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

~~11.~~ 10. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~12.~~ 11. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~13.~~ 12. As used in this section ~~is~~

(a) ~~“Abuse”~~, “abuse” or neglect of a child” has the meaning ascribed to it in NRS 392.281.

~~(b) “Achievement charter school” has the meaning ascribed to it in NRS 385.007.~~

Sec. 80.5. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State ~~to the Achievement School District~~ or to a charter school that is located within the school district without regard to:

- (a) The provisions of this chapter; or
- (b) Any statute, regulation, ordinance or resolution that requires:
 - (1) The posting of notice or public advertising.
 - (2) The inviting or receiving of competitive bids.
 - (3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 80.55. NRS 361.065 is hereby amended to read as follows:

361.065 All lots, buildings and other school property owned by any legally created school district ~~to the Achievement School District~~ or a charter school within the State and devoted to public school purposes are exempt from taxation.

Sec. 80.6. Chapter 656A of NRS is hereby amended by adding thereto a new section to read as follows:

“Charter school” has the meaning ascribed to it in NRS 385.007.

Sec. 80.65. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.025 to 656A.065, inclusive, **and section 80.6 of this act** have the meanings ascribed to them in those sections.

Sec. 80.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 80.73. As soon as practicable after the effective date of this act but not later than July 1, 2019, the State Board of Education shall appoint to the State Public Charter School Authority pursuant to NRS 388A.153, as amended by section 34 of this act:

1. One member to a term that expires June 30, 2021; and

2. One member to a term that expires June 30, 2022.

Sec. 80.75. 1. On the effective date of this act, the governing body of an achievement charter school shall be deemed to be approved by the

State Public Charter School Authority to operate a charter school sponsored by the State Public Charter School Authority.

2. As soon as possible after the effective date of this act, the governing body of an achievement charter school shall enter into a charter contract pursuant to NRS 388A.270 with the State Public Charter School Authority. Upon the execution of such a contract, the school shall be deemed a charter school for all purposes and is subject to the provisions of chapter 388A of NRS. A contract to operate the achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210 before the effective date of this act is void on the date on which the charter contract is executed or on July 1, 2020, whichever occurs sooner.

3. Until a charter contract is entered into pursuant to subsection 2 or the contract to operate an achievement charter school is void pursuant to subsection 2, the State Public Charter Authority shall be deemed the sponsor of the achievement charter school and shall assume the duties prescribed for the Executive Director of the Achievement School District in any contract to operate the achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210, as that section existed before the effective date of this act.

4. As used in this section:

(a) “Achievement charter school” has the meaning ascribed to it in NRS 385.007, as that section existed before the effective date of this act.

(b) “Charter school” has the meaning ascribed to it in NRS 385.007, as amended by section 1.2 of this act.

Sec. 80.8. Notwithstanding the selection of any school before the effective date of this act for conversion to an achievement charter school pursuant to NRS 388B.200 beginning with the 2020-2021 school year, no action may be taken on or after the effective date of this act to complete the conversion or operate the school as an achievement charter school and any contract entered into to operate the school as an achievement charter school is void.

Sec. 80.85. 1. Any regulations adopted by the Department of Education pursuant to NRS 388B.060 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 80.9. NRS 0.0302, 0.0307, 388A.025, 388B.010, 388B.020, 388B.030, 388B.040, 388B.050, 388B.060, 388B.100, 388B.110, 388B.120, 388B.200, 388B.210, 388B.220, 388B.230, 388B.240, 388B.250, 388B.260,

388B.270, 388B.280, 388B.290, 388B.400, 388B.410, 388B.420, 388B.430, 388B.440 and 388B.450 are hereby repealed.

Sec. 81. ~~It~~ This ~~section and section 80 of this~~ act ~~become~~ becomes effective ~~on~~ upon passage and approval.

~~2. Sections 1 to 22, inclusive, 25 to 47, inclusive, 49 to 52, inclusive, 54, 56 to 61, inclusive, 66, 67, 68 and 70 to 79, inclusive, of this act become effective:~~

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

~~(b) On July 1, 2019, for all other purposes.~~

~~3. Sections 23, 24 and 62 to 65, inclusive, of this act become effective:~~

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

~~(b) On January 1, 2020, for all other purposes.~~

~~4. Section 69 of this act becomes effective on January 1, 2020.~~

~~5. Sections 48, 53 and 55 of this act become effective on January 1, 2026.~~

LEADLINES OF REPEALED SECTIONS

0.0302 “Achievement School District” defined.

0.0307 “Charter school” defined.

388A.025 “Charter school” defined.

388B.010 Definitions.

388B.020 “Charter management organization” defined.

388B.030 “Educational management organization” defined.

388B.040 “Executive Director” defined.

388B.050 “Public school” defined.

388B.060 Regulations.

388B.100 Creation; employees.

388B.110 Executive Director: Appointment; powers and duties.

388B.120 Account for the Achievement School District: Creation; administration; use; deposit of gifts, grants and bequests; claims.

388B.200 Conversion to achievement charter school: Eligibility; approval by State Board; selection of school; notification to school.

388B.210 Duties of Executive Director concerning conversion of school to achievement charter school; regulations that prescribe process to apply to operate achievement charter school; approval of application to operate more than one achievement charter school.

388B.220 Sponsor; appointment of governing body; Executive Director authorized to terminate contract to operate achievement charter school before expiration of contract.

388B.230 Selection and duties of principal; retention and reassignment of employees; requirement to operate in same building;

building costs and expenses; capital projects; enrollment requirement; limitation on loans, advances and other monetary charges.

388B.240 Achievement charter school deemed local educational agency; Department to pay special education program units to eligible achievement charter school.

388B.250 Applicability of charter school provisions to achievement charter schools; waiver of certain requirements concerning operation.

388B.260 Board of trustees to provide services and facilities upon request of Executive Director; donation of surplus property of school district; authorization to acquire or purchase buildings, structures or property and engage in certain financial transactions.

388B.270 Application for money for facilities; certain achievement charter schools required to submit quarterly report of financial status.

388B.280 Participation by pupils in class or activity of school district in which pupil resides; revocation of approval to participate.

388B.290 Evaluation of achievement charter school during sixth year of operation; actions taken based upon results of evaluation; actions required if school that has not made adequate progress continues to operate as achievement school district; conversion to public school or charter school.

388B.400 Leave of absence from school district to accept or continue employment with achievement charter school; return of licensed employee to school district.

388B.410 Employees deemed to be public employees; terms and conditions of employment; transfer of employment records with school district to governing body.

388B.420 Reassignment of licensed employees upon termination of contract or cessation of operation as achievement charter school.

388B.430 Governing body to transmit employment record to school district upon request of board of trustees; investigation into misconduct during leave of absence.

388B.440 Eligibility for benefits of licensed employee on leave of absence; effect of leave of absence; eligibility of employee of achievement charter school for benefits.

388B.450 Determination of appropriate level of contribution toward retirement benefits; participation in plan of group insurance offered to employees of school district.

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. 79.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 598.

AN ACT relating to taxation; creating an expedited procedure for the sale by a county of abandoned property on which delinquent certain taxes, assessments, penalties, interest and costs are owed; establishing the criteria to determine whether property is abandoned; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if delinquent property taxes and any associated interest, penalties and costs are not paid by 5 p.m. on the first Monday in June, the county treasurer, as tax receiver of the county, is required to make out a certificate, which authorizes the county treasurer to hold each property described in the certificate for a period of 2 years, unless a property is redeemed by the payment of the taxes, interest, penalties and costs which are due. (NRS 361.570) If a property described in the certificate is not redeemed within the 2-year period, the county treasurer is authorized to sell or otherwise dispose of the property after following certain procedures, including, without limitation, providing certain notice to the owner of the property. (NRS 361.585, 361.595, 361.603-361.608) This bill authorizes a county treasurer to use an expedited procedure for the sale of abandoned property on which delinquent taxes and associated interest, penalties and costs are owed.

Section 1 of this bill establishes the procedure that the county treasurer, as tax receiver of the county, is required to use to determine whether a property is abandoned. Under **section 1**, if, after an investigation, the county treasurer determines that the property is abandoned, the county treasurer is required to notify the owner of the property of the determination and that the county treasurer is authorized to use an expedited procedure to sell the property if it is determined to be abandoned. If the owner does not respond to the notice, ~~if~~ **within a certain period, the county treasurer is required to determine** the property ~~is determined~~ to be abandoned, ~~and the county treasurer is authorized to use an expedited procedure to sell the property.~~ If the owner, **within a certain period**, objects to the determination that the property is abandoned, the county treasurer is required to issue a decision on whether to uphold the initial determination that the property is abandoned. If the property is determined to be abandoned, the person who conducted the investigation of the property is required to execute and deliver to the clerk of the board of county commissioners an affidavit setting forth the conditions and circumstances on the property supporting that determination. **Section 1** also sets forth the criteria to be used to determine whether property is abandoned.

Sections 2, 3 and 5 of this bill establish the expedited procedure for the sale of abandoned property. **Sections 2 and 3** provide that if property is determined to be abandoned pursuant to **section 1**, the certificate made out by the county treasurer, as tax receiver for the county, provides a 1-year redemption period rather than a 2-year redemption period. If the property that is determined to be abandoned pursuant to **section 1** is not redeemed within the redemption period, **section 5** requires the county treasurer to provide the owner of the property at

least ~~[30 days]~~ **45-days'** notice, rather than 90-days' notice, of the sale of the property.

Existing law provides that certain deeds conveying property on which property taxes and associated interest, penalties and costs are owed conclusively establish the facts authorizing the conveyance of the property and the regularity of the procedure for the conveyance, unless actual fraud has occurred. (NRS 361.590, 361.595) **Sections 4 and 5** of this bill provide that if a county treasurer uses an expedited procedure for the sale of property on which property taxes and associated interest, penalties and costs are owed, the deeds conveying the property conclusively establish that the property was abandoned, unless actual fraud has occurred.

Under existing law, certain taxes and assessments are required to be enforced in the same manner as property taxes. (NRS 244.3661, 541.240) **Sections 6 and 7** of this bill make a conforming change to authorize the expedited procedure to be used to enforce these taxes and assessments that are enforced in the same manner as property taxes.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The tax receiver of a county may elect to use an expedited procedure for the sale of a property on which delinquent taxes, penalties, interest and costs have not been paid if, after an investigation, the tax receiver:*

(a) *Determines that the property is abandoned pursuant to the criteria set forth in subsection 6; and*

(b) *Complies with the requirements of this section.*

2. *If a tax receiver of a county has a reasonable belief that property on which delinquent taxes, penalties, interest and costs have not been paid is abandoned, the tax receiver or his or her designee may inspect the property to determine whether it is abandoned in accordance with the criteria set forth in subsection 6. The tax receiver or his or her designee and any employee of the tax receiver or his or her designee may enter the property, but may not enter any dwelling or structure, to perform an inspection pursuant to this subsection, and the tax receiver, his or her designee and any employee of the tax receiver or his or her designee who enters a property pursuant to this subsection is not liable for any civil damages as a result of any act or omission on the property, not amounting to gross negligence, or for trespass.*

3. *If, after an inspection pursuant to subsection 2, the tax receiver determines that the property is abandoned in accordance with the criteria set forth in subsection 6, the tax receiver shall serve a notice by certified and first-class mail to the owner or owners of the property providing that unless the owner or owners of the real property contact the tax receiver within 30 days after service of the notice, the property will be determined to be abandoned and the tax*

receiver may seek an expedited procedure for the sale of the property. In addition to providing service by mail, the tax receiver shall cause the same notice to be published:

(a) At least once in the newspaper which publishes the list of taxpayers pursuant to NRS 361.300 or, if there is no newspaper in the county, by posting the notice in at least five conspicuous places within the county;

(b) On an Internet website that is maintained by the county treasurer or, if the county treasurer does not maintain an Internet website, on an Internet website maintained by the county; and

(c) By posting the notice in a conspicuous place of the property.

4. If, within 30 days after service of the notice pursuant to subsection 3, a property owner:

(a) Fails to respond to the notice, the tax receiver must determine the property ~~is determined~~ to be abandoned.

(b) Submits a written objection to the determination of the tax receiver that the property is abandoned, the tax receiver must conduct a review of the property and issue a decision on whether to uphold the original determination that the property is abandoned. A person who is aggrieved by a determination of the tax receiver pursuant to this paragraph may, within 30 days after the person receives notice of the determination, commence an action for judicial review of the determination in district court for the county in which the property is located.

5. A tax receiver who elects to use an expedited procedure for the sale of property pursuant to this section must execute and deliver to the clerk of the board of county commissioners an affidavit setting forth the facts supporting the determination that the property is abandoned in accordance with the criteria set forth in subsection 6. The affidavit required by this subsection must:

(a) Be signed and verified by the person who conducted the investigation to determine whether the property is abandoned;

(b) State that, after investigation, the property was determined to be abandoned; and

(c) State the conditions or circumstances supporting the determination that the property is abandoned.

6. For the purposes of this section, property is abandoned if at least two of the following conditions are found to exist ~~+~~ by a preponderance of the evidence:

(a) No person appears to be residing in the property at the time the property is inspected;

(b) Utility service to the property, including, without limitation, gas, electric or water service, has been disconnected or delinquent for over 1 year;

(c) Multiple windows on the property are boarded up or closed off or are smashed through, broken off or unhinged, or multiple window panes are broken and unrepaired;

(d) Doors on the property are smashed through, broken off, unhinged or continuously unlocked;

(e) The property has been stripped of copper or other materials, or interior fixtures to the property have been removed;

(f) Law enforcement officials have received at least one report of trespassing or vandalism or other illegal acts being committed at the property within the immediately preceding 6 months;

(g) If the property is residential real property, the residential real property has been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority or a court of competent jurisdiction;

(h) The local police, fire or code enforcement authority has requested that the owner or any other interested or authorized party secure the property because the local authority has declared the property to be an imminent danger to the health, safety and welfare of the public;

(i) The property is open and unprotected and in reasonable danger of significant damage resulting from exposure to the elements or vandalism; or

(j) Other reasonable indicia of abandonment exist.

Sec. 2. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known;

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189; and

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by or on behalf of the taxpayer or his or her successor in interest, the tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years , ***or within 1 year if the property is determined to be abandoned pursuant to section 1 of this act***, after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent

per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 3. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. ~~The~~ ***Except as otherwise provided in this subsection, the*** certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed. ***For each property described in the certificate that has been determined to be abandoned pursuant to section 1 of this act, the certificate authorizes the county treasurer, as trustee for the State and county, to hold the property for the period of 1 year after the first Monday in June of the year the certificate is dated, unless sooner redeemed.***

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum, assessed monthly, from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) ~~That~~ ***For each property described in the certificate that has not been determined to be abandoned pursuant to section 1 of this act, that each such***

property ~~described in the certificate~~ may be redeemed within 2 years after the date of the certificate;

(b) *For each property described in the certificate that has been determined to be abandoned pursuant to section 1 of this act, that each such property may be redeemed within 1 year after the date of the certificate;*

(c) That the title to each property not redeemed vests in the county for the benefit of the State and county; and

~~(c)~~ (d) That a tax lien may be assigned against the parcel pursuant to the provisions of NRS 361.7303 to 361.733, inclusive.

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee. Before the owner or his or her successor redeems the property, he or she must also pay the county treasurer holding the certificate any additional taxes, penalties and costs assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him or her pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes, penalties, interest and costs due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate additional taxes, penalties, interest and costs assessed and accrued or the repayment of any of those delinquent amounts. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 4. NRS 361.590 is hereby amended to read as follows:

361.590 1. If a property described in a certificate is not redeemed within the time allowed by law for its redemption, the tax receiver or his or her successor in office shall make to the county treasurer as trustee for the State and county a deed of the property, reciting in the deed substantially the matters contained in the certificate of sale or, in the case of a conveyance under NRS 361.604, the order of the board of county commissioners, and that no person has redeemed the property during the time allowed for its redemption.

2. The deed must be recorded in the office of the county recorder within 30 days after the date of expiration of the period of redemption.

3. All such deeds are, except as against actual fraud, conclusive evidence that:

- (a) The property was assessed as required by law.
- (b) The property was equalized as required by law.
- (c) The taxes were levied in accordance with law.
- (d) The taxes were not paid.

(e) At a proper time and place a certificate of delinquency was filed as prescribed by law, and by the proper officer.

(f) ***If, pursuant to section 1 of this act, the tax receiver has elected to use an expedited procedure for the sale of the property, the property was abandoned.***

(g) The property was not redeemed.

~~(g)~~ (h) The person who executed the deed was the proper officer.

4. Such deeds are, except as against actual fraud, conclusive evidence of the regularity of all other proceedings, from the assessment by the county assessor to the execution of the deed.

5. Except as otherwise provided by specific statute, the deed conveys to the county treasurer as trustee for the State and county the property described therein, free of all encumbrances, except any easements of record for public utility purposes, any lien for taxes or assessments by any irrigation or other district for irrigation or other district purposes, and any interest and penalties on the property, except when the land is owned by the United States or this State, in which case it is prima facie evidence of the right of possession accrued as of the date of the deed to the purchaser, but without prejudice to the lien for other taxes or assessments or the claim of any such district for interest or penalties.

6. No tax assessed upon any property, or sale therefor, may be held invalid by any court of this State on account of:

(a) Any irregularity in any assessment;

(b) Any assessment or tax roll not having been made or proceeding had within the time required by law; or

(c) Any other irregularity, informality, omission, mistake or want of any matter of form or substance in any proceedings which the Legislature might have dispensed with in the first place if it had seen fit so to do, and that does not affect the substantial property rights of persons whose property is taxed.

➔ All such proceedings in assessing and levying taxes, and in the sale and conveyance therefor, must be presumed by all the courts of this State to be legal until the contrary is shown affirmatively.

Sec. 5. NRS 361.595 is hereby amended to read as follows:

361.595 1. Any property held in trust by any county treasurer by virtue of any deed made pursuant to the provisions of this chapter may be sold and conveyed in the manner prescribed in this section and in NRS 361.603 or conveyed without sale as provided in NRS 361.604.

2. If the property is to be sold, the board of county commissioners may make an order, to be entered on the record of its proceedings, directing the county treasurer to sell the property particularly described therein, after giving notice of sale, for a total amount not less than the amount of the taxes, costs, penalties and interest legally chargeable against the property as stated in the order.

3. ~~Notice~~ ***Except as otherwise provided in subsection 4, notice*** of the sale must specify the day, time and place of the sale and be:

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than 90 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

4. *If, pursuant to section 1 of this act, the tax receiver has elected to use an expedited procedure for the sale of the property and the requirements of section 1 of this act were met, notice of the sale must specify the day, time and place of the sale and be:*

(a) Posted in at least three public places in the county, including one at the courthouse and one on the property, not less than 20 days before the day of sale or, in lieu of such a posting, by publication of the notice at least once a week for 4 consecutive weeks by four weekly insertions in some newspaper published within the county, the first publication being at least 22 days before the day of the sale, if the board of county commissioners so directs.

(b) Mailed by certified mail, return receipt requested, not less than ~~30~~ 45 days before the day of the sale, to the owner of the parcel as shown on the tax roll and to any person or governmental entity that appears in the records of the county to have a lien or other interest in the property. If the receipt is returned unsigned, the county treasurer must make a reasonable attempt to locate and notify the owner or other person or governmental entity before the sale.

5. Except as otherwise provided in subsection ~~5.1~~ 6, the county treasurer shall make, execute and deliver to any purchaser, upon payment to the county treasurer, as trustee, of a consideration not less than that specified in the order, a quitclaim deed, discharged of any trust of the property mentioned in the order.

~~5.1~~ 6. If, not later than 5 p.m. on the third business day immediately preceding the day of the sale by the county treasurer, a municipality provides the county treasurer with an affidavit signed by the treasurer of the municipality stating that:

(a) The municipality sold the property or the property was stricken off to the municipality pursuant to NRS 271.560; and

(b) A certificate of sale for the property was issued to the purchaser pursuant to NRS 271.570 or to the municipality pursuant to NRS 271.560,
→ the county treasurer may not issue the quitclaim deed described in subsection ~~4.1~~ 5 unless the person who purchased the property from the county pays to the municipality any amount owed pursuant to the certificate of sale

issued pursuant to NRS 271.560 and 271.570 and the municipality provides an affidavit signed by the treasurer of the municipality stating that such amounts have been paid. If the purchaser does not pay the amount owed to the municipality within 20 days after the sale of the property by the county, the sale of the property by the county is void and the county treasurer may retain for administrative costs not more than 10 percent of the purchase amount paid by the purchaser.

~~¶6.†~~ 7. Before delivering a deed, the county treasurer shall record the deed at the expense of the purchaser.

~~¶7.†~~ 8. All deeds issued pursuant to this section, whether issued before, on or after July 1, 1955, are primary evidence:

(a) Of the regularity of all proceedings relating to the order of the board of county commissioners, the notice of sale and the sale of the property; ~~and~~

(b) ***That if, pursuant to section 1 of this act, the tax receiver has elected to use an expedited procedure for the sale of the property, the property is abandoned; and***

(c) That, if the real property was sold to pay taxes on personal property, the real property belonged to the person liable to pay the tax.

~~¶8.†~~ 9. No deed may be executed and delivered by the county treasurer until he or she files at the expense of the purchaser, with the clerk of the board of county commissioners, proper affidavits of posting and of publication of the notice of sale, as the case may be, together with his or her return of sale, verified, showing compliance with the order of the board of county commissioners, which constitutes primary evidence of the facts recited therein.

~~¶9.†~~ 10. If the deed when regularly issued is not recorded in the office of the county recorder, the deed, and all proceedings relating thereto, is void as against any subsequent purchaser in good faith and for a valuable consideration of the same property, or any portion thereof, when his or her own conveyance is first recorded.

~~¶10.†~~ 11. The board of county commissioners shall provide its clerk with a record book in which must be indexed the name of each purchaser, together with the date of sale, a description of the property sold, a reference to the book and page of the minutes of the board of county commissioners where the order of sale is recorded, and the file number of the affidavits and return.

Sec. 6. NRS 244.3661 is hereby amended to read as follows:

244.3661 1. Except as otherwise provided in NRS 704.664, a board of county commissioners may, by ordinance, impose an excise tax on the use of water in an amount sufficient to ensure the payment, wholly or in part, of obligations incurred by the county to acquire and construct a new facility for the treatment of water for public or private use, or both. The tax must be imposed on customers of suppliers of water that are capable of using the water treatment services provided by the facility to be financed with the proceeds of the tax.

2. An excise tax imposed pursuant to subsection 1 may be levied at different rates for different classes of customers or to take into account

differences in the amount of water used or estimated to be used or the size of the connection.

3. The ordinance imposing the tax must provide the:

- (a) Rate or rates of the tax;
- (b) Procedure for collection of the tax;
- (c) Duration of the tax; and
- (d) Rate of interest that will be charged on late payments.

4. Late payments of the tax must bear interest at a rate not exceeding 2 percent per month, or fraction thereof. The tax due is a perpetual lien against the property served by the water on whose use the tax is imposed until the tax and any interest which may accrue thereon are paid. The county shall enforce the lien in the same manner as provided in NRS 361.5648 to 361.730, inclusive, **and section 1 of this act** for property taxes.

5. A county may:

(a) Acquire and construct a new facility for the treatment of water for public or private use, or both.

(b) Finance the project by the issuance of general obligation bonds, medium-term obligations or revenue bonds or other securities issued pursuant to chapter 350 of NRS, or by installment-purchase financing pursuant to that chapter.

(c) Enter into an agreement with a public utility which provides that:

(1) Water treatment services provided by the facility will be made available to the public utility; or

(2) The public utility will operate and maintain the facility,

↪ or both. An agreement entered into pursuant to this paragraph may extend beyond the terms of office of the members of the board of county commissioners who voted upon it.

6. A county may pledge any money received from the proceeds of a tax imposed pursuant to this section for the payment of general or special obligations issued for a new facility for the treatment of water for public or private use, or both. Any money pledged by the county pursuant to this subsection may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

7. As used in this section, “public utility” has the meaning ascribed to it in NRS 704.020 and does not include the persons excluded by NRS 704.021.

Sec. 7. NRS 541.240 is hereby amended to read as follows:

541.240 If the taxes and assessments levied are not paid as provided in NRS 541.230, then the real property, if not redeemed within the time allowed by law, must be sold and conveyed for the payment of taxes, assessments, interest and penalties in the manner provided in NRS 361.5648 to 361.730, inclusive, **and section 1 of this act** for the sale of real property after default in payment of general taxes.

Sec. 8. This act becomes effective on July 1, 2019.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 122.

Bill read second time.

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

Amendment No. 412.

SUMMARY—Requires the Department of Health and Human Services to ~~seek a federal waiver so that certain care for persons who are aged, infirm or disabled may be included in the State Plan for Medicaid.~~ **study the feasibility of establishing certain assisted living facilities in rural areas of this State.** (BDR ~~{38-100}~~) **S-100**

AN ACT relating to ~~Medicaid;~~ **assisted living facilities;** requiring the Department of Health and Human Services to ~~seek a waiver from federal requirements so that certain care provided at a rural facility operated by the Department may be included as medical assistance in the State Plan for Medicaid; requiring certain reports concerning the waiver to be made;~~ **study the feasibility of establishing assisted living facilities in rural areas that also provide certain other services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~requires the Department of Health and Human Services to apply to the United States Secretary of Health and Human Services for a waiver from federal requirements that authorizes the Department to amend the State Plan for Medicaid to authorize the Department to include certain community based services for persons with physical disabilities as medical assistance under the State Plan. (NRS 422.396) Section 1 of this bill requires the Department to apply for a similar waiver to include as medical assistance under the State Plan adult day care, assisted living and respite care services provided by at least one facility: (1) operated by the Department; and (2) located in certain smaller counties (currently all counties other than Clark and Washoe Counties). Section 2 of this bill makes a conforming change. Section 3 of this bill requires the Director of the Department to submit to the Legislature reports consisting of certain information relating to the application for and implementation of the waiver.~~ **establishes separate licensing categories for assisted living facilities and facilities for the care of adults during the day. (NRS 449.004, 449.017) This bill requires the Department of Health and Human Services to study the feasibility of establishing and operating in rural areas of this State assisted living facilities that also provide respite care and the services of a facility for the care of adults during the day.**

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

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

~~1. The Department shall apply to the Secretary of Health and Human Services for any waiver from federal law or regulation necessary to authorize the Department to amend the State Plan for Medicaid adopted by the Director pursuant to NRS 422.063 to authorize the Department to include as medical assistance under the State Plan the services described in subsection 2 provided by at least one facility that is:~~

~~(a) Operated by the Department; and~~

~~(b) Located in a county whose population is less than 100,000.~~

~~2. To the extent authorized by the waiver, the services included as medical assistance under the State Plan pursuant to subsection 1 must consist of:~~

~~(a) The services of a facility for the care of adults during the day;~~

~~(b) The services of an assisted living facility; and~~

~~(c) Respite care.~~

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

~~(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.~~

~~(b) "Facility for the care of adults during the day" has the meaning ascribed to it in NRS 449.004.~~

~~(c) "Respite care" means care for a person who is aged, infirm or disabled that provides a respite for the primary caregiver from the stresses and responsibilities that result from the daily care of the person.~~ (Deleted by amendment.)

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

~~232.320 1. The Director:~~

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

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

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

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

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

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

~~(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and section 1 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of~~

law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

~~2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.} (Deleted by amendment.)~~

Sec. 3. ~~{The Director of the Department of Health and Human Services shall:~~

~~1. On or before December 1, 2019, March 1, 2020, June 1, 2020, and September 1, 2020, report to the Interim Finance Committee concerning the status of the application for a waiver from federal law or regulation submitted pursuant to section 1 of this act.~~

~~2. On or before December 1, 2020, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report which must include, without limitation:~~

~~(a) An update concerning the status of the application for a waiver from federal law or regulation submitted pursuant to section 1 of this act; and~~
~~(b) Any recommendations for legislation necessary to implement the waiver, including, without limitation, recommendations for legislative appropriations.] (Deleted by amendment.)~~

Sec. 3.5. On or before October 1, 2020, the Department of Health and Human Services shall:

1. Study the feasibility of establishing and operating in rural areas of this State assisted living facilities that also provide respite care and the services of a facility for the care of adults during the day, as defined in NRS 449.004. The study must include, without limitation:

(a) An analysis of the feasibility of creating a single license for such a facility;

(b) Identification of the manner in which such a facility would receive reimbursements from Medicaid;

(c) An analysis of the feasibility of recruiting adequate staff to operate such a facility;

(d) An analysis of the economic viability of and payment structure of such a facility;

(e) Identification of technical, economic and legal barriers to the establishment and operation of such a facility; and

(f) A possible timeline for creating a pilot program to establish such facilities.

2. Present the study at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs; and

3. Submit a written report of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs.

Sec. 4. 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. 128.

Bill read second time.

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

Amendment No. 504.

AN ACT relating to industrial insurance; revising provisions governing the length of a program of vocational rehabilitation and job placement assistance; revising provisions governing the circumstances under which a program of

vocational rehabilitation may be extended; increasing the amount of lump sum payments in lieu of vocational rehabilitation services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a vocational rehabilitation counselor to develop a plan for a program of vocational rehabilitation, including job placement assistance, for each injured employee who is eligible for vocational rehabilitation services; (2) sets forth a maximum allowable duration of 6 months for the program and job placement assistance; and (3) prohibits the appeal of the determination of an insurer to authorize or deny a third program of vocational rehabilitation. (NRS 616C.555) **Section 1** of this bill: (1) ~~increases from 6 months to 24 months the maximum allowable length of job placement assistance for an injured employee who is physically capable of returning to work or who has existing marketable skills; (2) requires a planned length of 24 months~~ **revises the maximum allowable duration** for a program of vocational rehabilitation for an injured employee upon whose ability to work the treating physician or chiropractor has imposed permanent restrictions; and ~~(3)~~ **(2)** eliminates the prohibition on the appeal of the determination of an insurer to authorize or deny a third program of vocational rehabilitation.

Existing law: (1) sets forth the circumstances under which a program for vocational rehabilitation may be extended; (2) limits the total length of such a program, based on the percentage of permanent physical impairment of the injured employee; and (3) prohibits the appeal of the determination of an insurer to grant or deny an extension of a program. (NRS 616C.560) **Section 2** of this bill: (1) provides that a program for vocational rehabilitation may be extended by the insurer or by order of a hearing officer or appeals officer; (2) eliminates the limits on the total length of a program; and (3) eliminates the prohibition on the appeal of the determination of an insurer to grant or deny an extension of a program.

Existing law requires any payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services to be not less than 40 percent of the maximum rehabilitation maintenance due to the injured employee. (NRS 616C.595) **Section 3** of this bill increases that amount to ~~80~~ **55** percent of the maximum rehabilitation maintenance.

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

Section 1. NRS 616C.555 is hereby amended to read as follows:

616C.555 1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616C.590. The counselor shall work with the insurer and the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.

2. If the counselor determines in a written assessment requested pursuant to NRS 616C.550 that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that the employee was earning at the time of his or her injury. An injured employee must not receive job placement assistance for more than 6 ~~24~~ months after the date on which the injured employee was notified that he or she is eligible only for job placement assistance because:

- (a) The injured employee was physically capable of returning to work; or
- (b) It was determined that the injured employee had existing marketable skills.

3. If the counselor determines in a written assessment requested pursuant to NRS 616C.550 that the injured employee does not have existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in NRS 616C.560, ~~the plan must provide for the length of~~ such a program must not exceed:

(a) If the injured employee has incurred a permanent disability as a result of which ~~to be 24 months if~~ permanent restrictions on the ability of the injured employee to work have been imposed but no permanent physical impairment rating has been issued, or a permanent disability with a permanent physical impairment of 0 percent, 9 months.

(b) If the injured employee has incurred a permanent physical impairment of 1 percent or more but less than 6 percent, ~~9~~ 12 months.

~~[(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, 1 year.]~~

(c) If the injured employee has incurred a permanent physical impairment of ~~11~~ 6 percent or more, ~~18~~ 24 months.

↪ The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616C.490. ~~[by the treating physician or chiropractor.]~~

4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in NRS 616C.585.

5. A plan created pursuant to subsection 2 or 3 must assist the employee in finding a job or train or educate the employee and assist the employee in finding a job that is a part of an employer's regular business operations and from which the employee will gain skills that would generally be transferable to a job with another employer.

6. A program of vocational rehabilitation must not commence before the treating physician or chiropractor, or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.

7. If, based upon the opinion of a treating or an examining physician or chiropractor, the counselor determines that an injured employee is not eligible

for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the injured employee, the injured employee's employer and the insurer.

8. A plan for a program of vocational rehabilitation must be signed by a certified vocational rehabilitation counselor.

9. If an initial program of vocational rehabilitation pursuant to this section is unsuccessful, an injured employee may submit a written request for the development of a second program of vocational rehabilitation which relates to the same injury. An insurer shall authorize a second program for an injured employee upon good cause shown.

10. If a second program of vocational rehabilitation pursuant to subsection 9 is unsuccessful, an injured employee may submit a written request for the development of a third program of vocational rehabilitation which relates to the same injury. The insurer, with the approval of the employer who was the injured employee's employer at the time of his or her injury, may authorize a third program for the injured employee. If such an employer has terminated operations, the employer's approval is not required for authorization of a third program. ~~[An insurer's determination to authorize or deny a third program of vocational rehabilitation may not be appealed.]~~

11. The Division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.

Sec. 2. NRS 616C.560 is hereby amended to read as follows:

616C.560 1. A program for vocational rehabilitation developed pursuant to subsection 3 of NRS 616C.555 may be extended:

(a) Without condition or limitation, by the insurer at the insurer's sole discretion; or

(b) ~~In accordance with this section if:~~

~~— (1) The injured employee makes a written request to extend the program not later than 30 days after the program has been completed; and~~

~~— (2) There are exceptional circumstances which make it unlikely that the injured employee will obtain suitable gainful employment as a result of vocational rehabilitation which is limited to the period for which the injured employee is eligible.~~

~~↳ An insurer's determination to grant or deny an extension pursuant to paragraph (a) may not be appealed.~~

~~— 2. If an injured employee has incurred a permanent physical impairment of less than 11 percent:~~

~~— (a) The total length of the program, including any extension, must not exceed 2 years.~~

~~— (b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if:~~

~~— (1) The injured employee lacks work experience, training, education or other transferable skills for an occupation which the injured employee is physically capable of performing; or~~

~~—(2) Severe physical restrictions as a result of the industrial injury have been imposed by a physician which significantly limit the employee's occupational opportunities.~~

~~—3. If an injured employee has incurred a permanent physical impairment of 11 percent or more:~~

~~—(a) The total length of the program, including any extension, must not exceed 2 1/2 years.~~

~~—(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (b) of subsection 1, if the injured employee has suffered:~~

~~—(1) The total and permanent loss of sight of both eyes;~~

~~—(2) The loss by separation of a leg at or above the knee;~~

~~—(3) The loss by separation of a hand at or above the wrist;~~

~~—(4) An injury to the head or spine which results in permanent and complete paralysis of both legs, both arms or a leg and an arm;~~

~~—(5) An injury to the head which results in a severe cognitive functional impairment which may be established by a nationally recognized form of objective psychological testing;~~

~~—(6) The loss by separation of an arm at or above the elbow and the loss by separation of a leg at or above the knee;~~

~~—(7) An injury consisting of second or third degree burns on 50 percent or more of the body, both hands or the face;~~

~~—(8) A total bilateral loss of hearing;~~

~~—(9) The total loss or significant and permanent impairment of speech; or~~

~~—(10) A permanent physical impairment of 50 percent or more determined pursuant to NRS 616C.490, if the severity of the impairment limits the injured employee's gainful employment to vocations that are primarily intellectual and require a longer program of education.~~

~~—4. *By order of a hearing officer or appeals officer.*~~

~~2. The insurer shall deliver a copy of its decision granting or denying an extension to the injured employee and the employer. ~~Except as otherwise provided in this section, the~~ **The** decision shall be deemed to be a final determination of the insurer for the purposes of NRS 616C.315.~~

Sec. 3. NRS 616C.595 is hereby amended to read as follows:

616C.595 1. If an injured employee is eligible for vocational rehabilitation services pursuant to NRS 616C.590, the insurer and the injured employee may, at any time during the employee's eligibility for such services, execute a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services. An insurer's refusal to execute such an agreement may not be appealed.

2. If the insurer and the injured employee execute an agreement pursuant to subsection 1, the acceptance of the payment of compensation in a lump sum by the injured employee extinguishes the right of the injured employee to receive vocational rehabilitation services under the injured employee's claim. Except as otherwise required by federal law, an injured employee shall not receive vocational rehabilitation services from any state agency after the

injured employee accepts payment of compensation in a lump sum pursuant to this section.

3. Before executing an agreement pursuant to subsection 1, an insurer shall:

(a) Order an assessment of and counseling concerning the vocational skills of the injured employee, unless the provisions of subsection 3 of NRS 616C.580 are applicable;

(b) Consult with the employer of the injured employee; and

(c) Provide a written notice to the injured employee that contains the following statements:

(1) That the injured employee is urged to seek assistance and advice from the Nevada Attorney for Injured Workers or to consult with a private attorney before signing the agreement.

(2) That the injured employee may rescind the agreement within 20 days after the injured employee signs it.

(3) That the 20-day period pursuant to subparagraph (2) may not be waived.

(4) That acceptance by the injured employee of payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services extinguishes the right of the injured employee to receive such services.

4. Except as otherwise provided in NRS 616C.580, any payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services must not be less than ~~40.80~~ 55 percent of the maximum amount of vocational rehabilitation maintenance due to the injured employee pursuant to NRS 616C.555.

5. No payment of compensation in a lump sum may be made pursuant to this section until the 20-day period provided for the rescission of the agreement has expired.

Sec. 4. The amendatory provisions of this act apply prospectively with regard to any claim pursuant to chapters 616A to 616D, inclusive, or 617 of NRS which is open **and for which the claimant has not executed a formal agreement for a plan which consists of a program of training or education pursuant to subsection 3 of NRS 616C.555** on ~~the effective date of this act,~~ **or before July 1, 2019.**

Sec. 5. This act becomes effective on July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 300.

AN ACT relating to child welfare; prohibiting discrimination against persons who are deaf, legally blind or otherwise physically disabled in certain proceedings relating to children; authorizing the Nevada Equal Rights Commission to investigate and resolve certain complaints alleging such discrimination; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits discrimination on the basis of disability in public accommodation, housing and employment. (NRS 118.100, 613.330, 651.070, 651.075) **Sections 1, 2, 4, 5 and 10-12** of this bill prohibit a court from discriminating against a person in a proceeding concerning child custody or visitation, adoption, guardianship or child protection solely because the person seeking custody or visitation, adoption, guardianship or child protection is deaf, is legally blind or has another physical disability. ~~[[However, sections 1, 2, 4, 5 and 12 also expressly authorize a court to decide against a person who is deaf, is legally blind or has another physical disability if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to or is causing or contributing to circumstances that are detrimental to the best interests of the child.]]~~

Section 3 of this bill similarly prohibits an agency which provides child welfare services or a child placing agency from determining that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents are deaf, are legally blind or have another physical disability. ~~[, but authorizes such an agency to make such a determination if it finds, based on its investigation, that the physical disability of the prospective adoptive parent or parents is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the child is placed in the home.]~~ **Section 3** also authorizes a prospective adoptive parent injured by a determination of an agency which provides child welfare services or a child placing agency which is contrary to these provisions to file a complaint with the Nevada Equal Rights Commission. **Sections 6-9** of this bill authorize the Commission to investigate and resolve such a complaint in the same manner as it investigates and resolves other complaints over which it has jurisdiction.

Existing law prohibits an agency which provides child welfare services from taking any action to remove a child from custody of the person responsible for the child's welfare if the agency determines there is no reasonable cause to believe the child is in need of protection. (NRS 432B.370) Existing law also authorizes a court that finds a child to be in need of protection to: (1) allow the child to remain in the custody of the parent or guardian of the child under such conditions as the court may prescribe; or (2) place the child in the custody of another person or certain agencies or institutions authorized to care for children. (NRS 432B.550) **Section 10** of this bill provides that a child is not in need of protection solely because a person responsible for the welfare of the child is deaf, is legally blind or has another physical disability.

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

Section 1. Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:

A court shall not deny custody or visitation rights to a person solely because the person is deaf, is blind or has another physical disability. ~~f, but may deny custody or visitation rights to such a person if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the person is awarded custody or visitation rights.~~ As used in this section, "blind" has the meaning ascribed to it in NRS 426.082.

Sec. 2. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interests of the child warrant the granting of a petition that is filed by a foster parent, the court shall give strong consideration to the emotional bond between the child and the foster parent. A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued. In the decree the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners. This subsection does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.

3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody. *The court shall not deny a petition solely because the petitioner is deaf, is blind or has another physical disability. ~~f, but may deny a petition if it finds, based on evidence presented to the court, that the petitioner's physical disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the petition is granted.~~ As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.*

4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.

Sec. 3. NRS 127.2817 is hereby amended to read as follows:

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services or a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of an investigation conducted by an agency which provides child welfare services or a child-placing agency pursuant to NRS 127.120 or 127.2805, the agency which provides child welfare services or child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services or child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the agency which provides child welfare services or child-placing agency before the issuance of the results of the investigation. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. *An agency which provides child welfare services or a child placing agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents are deaf, are blind or have another physical disability, ~~but may determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child if it finds, based on its investigation, that the physical disability of the prospective adoptive parent or parents is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the child is placed in the home.~~* As used in this subsection, “blind” has the meaning ascribed to it in NRS 426.082.

4. *A prospective adoptive parent injured by a determination of an agency which provides child welfare services or a child placing agency that violates subsection 3 may file a complaint to that effect with the Nevada Equal Rights Commission.*

Sec. 4. NRS 159A.054 is hereby amended to read as follows:

159A.054 1. If the court finds that the proposed protected minor is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that appointment of a guardian is required, the court shall appoint a guardian of the proposed protected minor’s person, estate, or person and estate.

3. *The court shall not find that a proposed protected minor is in need of a guardian solely because the person currently responsible for the proposed protected minor is deaf, is blind or has another physical disability, ~~but may find that a proposed protected minor is in need of a guardian if it finds, based on evidence presented to the court, that the physical disability of the person currently responsible for the proposed protected minor is causing or contributing to circumstances that are detrimental to the best interests of the proposed protected minor.~~* As used in this subsection, “blind” has the meaning ascribed to it in NRS 426.082.

Sec. 5. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

(a) Which parent has physical custody of the proposed protected minor;

(b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;

(c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;

(d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;

(e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and

(f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

(a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:

(1) Food;

(2) Shelter;

(3) Clothing;

(4) Medical care; and

(5) Education;

(b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or

(c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

- (1) Parent.
- (2) Adult sibling.
- (3) Grandparent.
- (4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. *A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person is deaf, is blind or has another physical disability. ~~It may refuse to appoint a person as the guardian of the person or estate of a proposed protected minor if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the proposed protected minor if the person is so appointed.~~ As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.*

11. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 6. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

(d) With regard to adoption, investigate acts by agencies which provide child welfare services, as defined in NRS 432B.030, and child placing agencies that violate subsection 3 of NRS 127.2817.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 7. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment, ~~for~~ public accommodations *or adoption* must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

↪ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

- (a) A copy of the complaint;
- (b) An explanation of the rights which are available to that party; and
- (c) A copy of the Commission's procedures.

Sec. 8. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment, ~~for~~ public accommodations ~~for~~ *or adoption*, the Commission determines that the practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission, after the informal meeting and before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.

Sec. 9. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment, ~~for~~ public accommodations *or adoption* is confidential.

2. The Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the party against whom the unlawful discriminatory practice is alleged or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the party against whom the unlawful discriminatory practice is alleged if:

- (a) Each has consented to such disclosure; or
- (b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the party against whom the unlawful discriminatory practice is alleged:

- (a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.
- (b) Any investigative notes or reports made by the Commission.
- (c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. Except as otherwise provided in this section or NRS 239.0115, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

6. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 10. NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

- (a) The child has been abandoned by a person responsible for the welfare of the child;
- (b) The child has been subjected to abuse or neglect by a person responsible for the welfare of the child;
- (c) The child is in the care of a person responsible for the welfare of the child and another child has:
 - (1) Died as a result of abuse or neglect by that person; or
 - (2) Been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child;
- (d) The child has been placed for care or adoption in violation of law; or
- (e) The child has been delivered to a provider of emergency services pursuant to NRS 432B.630.

2. A child may be in need of protection if the person responsible for the welfare of the child:

- (a) Is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(b) Fails, although the person is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:

- (1) Food, clothing or shelter necessary for the child's health or safety;
- (2) Education as required by law; or
- (3) Adequate medical care;

(c) Has been responsible for the neglect of a child who has resided with that person; or

(d) Has been responsible for the abuse of another child regardless of whether that person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child.

3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

4. A child may be in need of protection if the child is identified as being affected by a fetal alcohol spectrum disorder or prenatal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

5. ***A child is not in need of protection solely because the person responsible for the welfare of the child is deaf, is blind, as defined in NRS 426.082, or has another physical disability.***

6. As used in this section:

(a) "Abuse" means:

- (1) Physical or mental injury of a nonaccidental nature; or
- (2) Sexual abuse or sexual exploitation,

↪ of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm. The term does not include the actions described in subsection 2 of NRS 432B.020.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

(c) "Neglect" means abandonment or failure to:

(1) Provide for the needs of a child set forth in paragraph (b) of subsection 2; or

(2) Provide proper care, control and supervision of a child as necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

↪ The term does not include the actions described in subsection 2 of NRS 432B.020.

Sec. 11. NRS 432B.480 is hereby amended to read as follows:

432B.480 1. At each hearing conducted pursuant to NRS 432B.470:

(a) At the commencement of the hearing, the court shall advise the parties of their right to be represented by an attorney and of their right to present evidence.

(b) The court shall determine whether there is reasonable cause to believe that it would be:

(1) Contrary to the welfare of the child for the child to reside at his or her home; or

(2) In the best interests of the child to place the child outside of his or her home.

↪ The court shall prepare an explicit statement of the facts upon which each of its determinations is based. ***The court shall not make an affirmative finding regarding either subparagraph (1) or (2) solely because the person responsible for the welfare of the child is deaf, is blind, as defined in NRS 426.082, or has another physical disability.*** If the court makes an affirmative finding regarding either subparagraph (1) or (2), the court shall issue an order keeping the child in protective custody pending a disposition by the court.

(c) The court shall determine whether the child has been placed in a home or facility that complies with the requirements of NRS 432B.3905. If the placement does not comply with the requirements of NRS 432B.3905, the court shall establish a plan with the agency which provides child welfare services for the prompt transfer of the child into a home or facility that complies with the requirements of NRS 432B.3905.

2. If the court issues an order keeping the child in protective custody pending a disposition by the court and it is in the best interests of the child, the court may:

(a) Place the child in the temporary custody of a grandparent, great-grandparent or other person related within the fifth degree of consanguinity to the child who the court finds has established a meaningful relationship with the child, with or without supervision upon such conditions as the court prescribes, regardless of whether the relative resides within this State; or

(b) Grant the grandparent, great-grandparent or other person related within the fifth degree of consanguinity to the child a reasonable right to visit the child while the child is in protective custody.

3. If the court finds that the best interests of the child do not require that the child remain in protective custody, the court shall order the immediate release of the child.

4. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

Sec. 12. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a

person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

↪ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159A of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. *The court shall not deny placement of a child in the temporary or permanent custody of a person pursuant to subsection 1 solely because the person is deaf, is blind or has another physical disability. ~~It but may refuse to place a child in the temporary or permanent custody of a person if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the child is placed in the custody of the person.~~* As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.

3. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

~~3-3~~ 4. If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

~~4-1~~ 5. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630:

(a) The parent who delivered the child to the provider shall be deemed to have waived his or her right to a copy of the report; and

(b) A copy of the report must be sent to the parent who did not deliver the child to the provider, if the location of such parent is known.

~~§ 6.~~ 6. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

~~§ 7.~~ 7. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

~~§ 8.~~ 8. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

~~§ 9.~~ 9. As used in this section, “fictive kin” means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 13. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

The following amendment was proposed by Assemblywoman Cohen:

Amendment No. 595.

AN ACT relating to child welfare; prohibiting discrimination against persons who are deaf, legally blind or otherwise physically disabled in certain proceedings relating to children; ~~authorizing the Nevada Equal Rights Commission to investigate and resolve certain complaints alleging such discrimination;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits discrimination on the basis of disability in public accommodation, housing and employment. (NRS 118.100, 613.330, 651.070, 651.075) **Sections 1, 2, 4, 5 and 10-12** of this bill prohibit a court from discriminating against a person in a proceeding concerning child custody or

visitation, adoption, guardianship or child protection solely because the person seeking custody or visitation, adoption, guardianship or child protection is deaf, is legally blind or has another physical disability. However, **sections 1, 2, 4, 5 and 12** also expressly authorize a court to decide against a person who is deaf, is legally blind or has another physical disability if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to or is causing or contributing to circumstances that are detrimental to the best interests of the child.

Section 3 of this bill similarly prohibits an agency which provides child welfare services or a child placing agency from determining that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents are deaf, are legally blind or have another physical disability, but authorizes such an agency to make such a determination if it finds, based on its investigation, that the physical disability of the prospective adoptive parent or parents is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the child is placed in the home. ~~Section 3 also authorizes a prospective adoptive parent injured by a determination of an agency which provides child welfare services or a child placing agency which is contrary to these provisions to file a complaint with the Nevada Equal Rights Commission. Sections 6-9 of this bill authorize the Commission to investigate and resolve such a complaint in the same manner as it investigates and resolves other complaints over which it has jurisdiction.~~

Existing law prohibits an agency which provides child welfare services from taking any action to remove a child from custody of the person responsible for the child's welfare if the agency determines there is no reasonable cause to believe the child is in need of protection. (NRS 432B.370) Existing law also authorizes a court that finds a child to be in need of protection to: (1) allow the child to remain in the custody of the parent or guardian of the child under such conditions as the court may prescribe; or (2) place the child in the custody of another person or certain agencies or institutions authorized to care for children. (NRS 432B.550) **Section 10** of this bill provides that a child is not in need of protection solely because a person responsible for the welfare of the child is deaf, is legally blind or has another physical disability.

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

Section 1. Chapter 125C of NRS is hereby amended by adding thereto a new section to read as follows:

A court shall not deny custody or visitation rights to a person solely because the person is deaf, is blind or has another physical disability, but may deny custody or visitation rights to such a person if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to circumstances that are detrimental to the best

interests of the child if the person is awarded custody or visitation rights. As used in this section, "blind" has the meaning ascribed to it in NRS 426.082.

Sec. 2. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interests of the child warrant the granting of a petition that is filed by a foster parent, the court shall give strong consideration to the emotional bond between the child and the foster parent. A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued. In the decree the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners. This subsection does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.

3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody. *The court shall not deny a petition solely because the petitioner is deaf, is blind or has another physical disability, but may deny a petition if it finds, based on evidence presented to the court, that the petitioner's physical disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the petition is granted. As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.*

4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.

Sec. 3. NRS 127.2817 is hereby amended to read as follows:

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services or a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of an investigation conducted by an agency which provides child welfare services or a child-placing agency pursuant to NRS 127.120 or 127.2805, the agency which provides child welfare services or child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services or child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the agency which provides child welfare services or child-placing agency before the issuance of the results of the investigation. Except

as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. An agency which provides child welfare services or a child placing agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents are deaf, are blind or have another physical disability, but may determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child if it finds, based on its investigation, that the physical disability of the prospective adoptive parent or parents is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the child is placed in the home. As used in this subsection, “blind” has the meaning ascribed to it in NRS 426.082.

~~[4. A prospective adoptive parent injured by a determination of an agency which provides child welfare services or a child placing agency that violates subsection 3 may file a complaint to that effect with the Nevada Equal Rights Commission.]~~

Sec. 4. NRS 159A.054 is hereby amended to read as follows:

159A.054 1. If the court finds that the proposed protected minor is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that appointment of a guardian is required, the court shall appoint a guardian of the proposed protected minor’s person, estate, or person and estate.

3. The court shall not find that a proposed protected minor is in need of a guardian solely because the person currently responsible for the proposed protected minor is deaf, is blind or has another physical disability, but may find that a proposed protected minor is in need of a guardian if it finds, based on evidence presented to the court, that the physical disability of the person currently responsible for the proposed protected minor is causing or contributing to circumstances that are detrimental to the best interests of the proposed protected minor. As used in this subsection, “blind” has the meaning ascribed to it in NRS 426.082.

Sec. 5. NRS 159A.061 is hereby amended to read as follows:

159A.061 1. The parents of a proposed protected minor, or either parent, if qualified and suitable, are preferred over all others for appointment as guardian for the person or estate or person and estate of the proposed protected minor. The appointment of a parent as guardian for the person or estate of a proposed protected minor must not conflict with a valid order for custody of the proposed protected minor.

2. Except as otherwise provided in subsection 4, if a parent of a proposed protected minor files a petition seeking appointment as guardian for the proposed protected minor, the parent is presumed to be suitable to serve as guardian for the proposed protected minor.

3. In determining whether the parents of a proposed protected minor, or either parent, or any other person who seeks appointment as guardian for the proposed protected minor is qualified and suitable, the court shall consider, if applicable and without limitation:

- (a) Which parent has physical custody of the proposed protected minor;
- (b) The ability of the parents, parent or other person to provide for the basic needs of the proposed protected minor, including, without limitation, food, shelter, clothing and medical care, taking into consideration any special needs of the proposed protected minor;
- (c) Whether the parents, parent or other person has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS;
- (d) Whether the parents, parent or other person has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the abuse, neglect, exploitation, isolation or abandonment of a child, his or her spouse, his or her parent or any other adult;
- (e) Whether the parents, parent or other person has been convicted in this State or any other jurisdiction of a felony; and
- (f) Whether the parents, parent or other person has engaged in one or more acts of domestic violence against the proposed protected minor, a parent of the proposed protected minor or any other person who resides with the proposed protected minor.

4. A parent of a proposed protected minor is presumed to be unsuitable to care for the proposed protected minor if:

- (a) The parent is unable to provide for any or all of the basic needs of the proposed protected minor, including, without limitation:
 - (1) Food;
 - (2) Shelter;
 - (3) Clothing;
 - (4) Medical care; and
 - (5) Education;
- (b) Because of action or inaction, the parent poses a significant safety risk of either physical or emotional danger to the proposed protected minor; or
- (c) The proposed protected minor has not been in the care, custody and control of the parent for the 6 months immediately preceding the filing of the petition. The presumption created by this paragraph is a rebuttable presumption.

5. Subject to the preference set forth in subsection 1 and except as otherwise provided in subsection 7, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve.

6. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsections 2, 3 and 4, give consideration, among other factors, to:

(a) Any nomination of a guardian for the proposed protected minor contained in a will or other written instrument executed by a parent of the proposed protected minor.

(b) Any request made by the proposed protected minor, if he or she is 14 years of age or older, for the appointment of a person as guardian for the proposed protected minor.

(c) The relationship by blood or adoption of the proposed guardian to the proposed protected minor. In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:

- (1) Parent.
- (2) Adult sibling.
- (3) Grandparent.
- (4) Uncle or aunt.

(d) Any recommendation made by a master of the court or special master pursuant to NRS 159A.0615.

(e) Any recommendation made by:

(1) An agency which provides child welfare services, an agency which provides child protective services or a similar agency; or

(2) A guardian ad litem or court appointed special advocate who represents the proposed protected minor.

(f) Any request for the appointment of any other interested person that the court deems appropriate.

7. The court may award temporary guardianship pursuant to this section, supported by findings of suitability, pending a trial or evidentiary hearing if that appointment is supported by findings.

8. Notwithstanding the presumption set forth in subsection 4, in the event of competing petitions for the appointment of guardianship of a proposed protected minor, any finding of unsuitability of a parent of the proposed protected minor must be found by clear and convincing evidence after a hearing on the merits or an evidentiary hearing.

9. In determining whether to appoint a guardian of the person or estate of a proposed protected minor and who should be appointed, the court must always act in the best interests of the proposed protected minor.

10. *A court shall not refuse to appoint a person as a guardian of the person or estate of a proposed protected minor solely because the person is deaf, is blind or has another physical disability, but may refuse to appoint a person as the guardian of the person or estate of a proposed protected minor if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the proposed protected minor if the person is so appointed. As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.*

11. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 6. ~~NRS 233.150 is hereby amended to read as follows:~~

~~233.150 The Commission may:~~

~~1. Order its Administrator to:~~

~~(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression and may conduct hearings with regard thereto.~~

~~(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.~~

~~(c) With regard to employment, investigate:~~

~~(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and~~

~~(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.~~

~~(d) With regard to adoption, investigate acts by agencies which provide child welfare services, as defined in NRS 432B.030, and child placing agencies that violate subsection 3 of NRS 127.2817.~~

~~2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.~~

~~3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.~~

~~4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.~~

~~5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law. (Deleted by amendment.)~~

Sec. 7. ~~NRS 233.160 is hereby amended to read as follows:~~

~~233.160 1. A complaint which alleges unlawful discriminatory practices in:~~

~~(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.~~

~~(b) Employment, [or] public accommodations or adoption must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.~~

~~A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable~~

jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

~~2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.~~

~~3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:~~

~~(a) A copy of the complaint;~~

~~(b) An explanation of the rights which are available to that party; and~~

~~(c) A copy of the Commission's procedures.} (Deleted by amendment.)~~

Sec. 8. ~~NRS 233.180 is hereby amended to read as follows:~~

~~233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment, [or] public accommodations [,] or adoption, the Commission determines that the practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission, after the informal meeting and before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.} (Deleted by amendment.)~~

Sec. 9. ~~NRS 233.190 is hereby amended to read as follows:~~

~~233.190 1. Except as otherwise provided in this section or NRS 239.0115, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment, [or] public accommodations or adoption is confidential.~~

~~2. The Commission may disclose information gathered pursuant to subsection 1 to:~~

~~(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or~~

~~(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the party against whom the unlawful discriminatory practice is alleged or any person who provided information to the Commission during the investigation.~~

~~3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the party against whom the unlawful discriminatory practice is alleged if:~~

~~(a) Each has consented to such disclosure; or~~

~~(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.~~

~~4. The Commission may not disclose to the complainant or the party against whom the unlawful discriminatory practice is alleged:~~

~~(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.~~

~~(b) Any investigative notes or reports made by the Commission.~~

~~(e) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.~~

~~5. Except as otherwise provided in this section or NRS 239.0115, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.~~

~~6. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required. **(Deleted by amendment.)**~~

Sec. 10. NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

(a) The child has been abandoned by a person responsible for the welfare of the child;

(b) The child has been subjected to abuse or neglect by a person responsible for the welfare of the child;

(c) The child is in the care of a person responsible for the welfare of the child and another child has:

(1) Died as a result of abuse or neglect by that person; or

(2) Been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child;

(d) The child has been placed for care or adoption in violation of law; or

(e) The child has been delivered to a provider of emergency services pursuant to NRS 432B.630.

2. A child may be in need of protection if the person responsible for the welfare of the child:

(a) Is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(b) Fails, although the person is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:

(1) Food, clothing or shelter necessary for the child's health or safety;

(2) Education as required by law; or

(3) Adequate medical care;

(c) Has been responsible for the neglect of a child who has resided with that person; or

(d) Has been responsible for the abuse of another child regardless of whether that person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child.

3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

4. A child may be in need of protection if the child is identified as being affected by a fetal alcohol spectrum disorder or prenatal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

5. ***A child is not in need of protection solely because the person responsible for the welfare of the child is deaf, is blind, as defined in NRS 426.082, or has another physical disability.***

6. As used in this section:

(a) “Abuse” means:

- (1) Physical or mental injury of a nonaccidental nature; or
- (2) Sexual abuse or sexual exploitation,

↪ of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child’s health or welfare is harmed or threatened with harm. The term does not include the actions described in subsection 2 of NRS 432B.020.

(b) “Allow” means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.

(c) “Neglect” means abandonment or failure to:

- (1) Provide for the needs of a child set forth in paragraph (b) of subsection 2; or
- (2) Provide proper care, control and supervision of a child as necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

↪ The term does not include the actions described in subsection 2 of NRS 432B.020.

Sec. 11. NRS 432B.480 is hereby amended to read as follows:

432B.480 1. At each hearing conducted pursuant to NRS 432B.470:

(a) At the commencement of the hearing, the court shall advise the parties of their right to be represented by an attorney and of their right to present evidence.

(b) The court shall determine whether there is reasonable cause to believe that it would be:

- (1) Contrary to the welfare of the child for the child to reside at his or her home; or
- (2) In the best interests of the child to place the child outside of his or her home.

↪ The court shall prepare an explicit statement of the facts upon which each of its determinations is based. ***The court shall not make an affirmative finding regarding either subparagraph (1) or (2) solely because the person responsible for the welfare of the child is deaf, is blind, as defined in NRS 426.082, or has another physical disability.*** If the court makes an affirmative

finding regarding either subparagraph (1) or (2), the court shall issue an order keeping the child in protective custody pending a disposition by the court.

(c) The court shall determine whether the child has been placed in a home or facility that complies with the requirements of NRS 432B.3905. If the placement does not comply with the requirements of NRS 432B.3905, the court shall establish a plan with the agency which provides child welfare services for the prompt transfer of the child into a home or facility that complies with the requirements of NRS 432B.3905.

2. If the court issues an order keeping the child in protective custody pending a disposition by the court and it is in the best interests of the child, the court may:

(a) Place the child in the temporary custody of a grandparent, great-grandparent or other person related within the fifth degree of consanguinity to the child who the court finds has established a meaningful relationship with the child, with or without supervision upon such conditions as the court prescribes, regardless of whether the relative resides within this State; or

(b) Grant the grandparent, great-grandparent or other person related within the fifth degree of consanguinity to the child a reasonable right to visit the child while the child is in protective custody.

3. If the court finds that the best interests of the child do not require that the child remain in protective custody, the court shall order the immediate release of the child.

4. If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

Sec. 12. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative, a fictive kin or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➔ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159A of NRS, consider an application for the guardianship of the child. If the court grants such an

application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. *The court shall not deny placement of a child in the temporary or permanent custody of a person pursuant to subsection 1 solely because the person is deaf, is blind or has another physical disability, but may refuse to place a child in the temporary or permanent custody of a person if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the child is placed in the custody of the person. As used in this subsection, "blind" has the meaning ascribed to it in NRS 426.082.*

3. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

~~§ 4.~~ **4.** If, pursuant to subsection 1, the child is to be placed with a relative or fictive kin, the court may consider, among other factors, whether the child has resided with a particular relative or fictive kin for 3 years or more before the incident which brought the child to the court's attention.

~~§ 5.~~ **5.** Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630:

(a) The parent who delivered the child to the provider shall be deemed to have waived his or her right to a copy of the report; and

(b) A copy of the report must be sent to the parent who did not deliver the child to the provider, if the location of such parent is known.

~~§ 6.~~ **6.** In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child in the following order:

(1) With any person related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(2) In a foster home that is licensed pursuant to chapter 424 of NRS.

~~§ 7.~~ **7.** Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who

resides outside of this State, the placement must be in accordance with NRS 127.330.

~~{7}~~ 8. Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

~~{8}~~ 9. As used in this section, “fictive kin” means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 13. 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. 150.

Bill read second time.

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

Amendment No. 256.

SUMMARY—~~{Authorizing certain adopted children to enter into an agreement to receive services and payments from an agency which provides child welfare services.}~~ **Establishes a program to allow certain persons over 18 years of age to remain in foster care.** (BDR 38-453)

~~{CONTAINS UNFUNDED MANDATE (§ 3)}~~

~~{Not Requested by Affected Local Government}~~

AN ACT relating to child welfare; ~~{authorizing certain adopted children to enter into an agreement with the agency which provides child welfare services that entitles such children to certain services and payments; requiring the agency which provides child welfare services to develop a written plan to assist a child who enters into such an agreement in transitioning into independent living; authorizing the agency which provides child welfare services to request a credit report for a child who enters into such an agreement with the consent of the child.}~~ **establishing a program to allow certain persons over 18 years of age to remain in foster care;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a child whom a court places with a person or entity other than a parent and who reaches 18 years of age to request the court to retain jurisdiction over the child until the child reaches the age of 21 years. If

a court retains jurisdiction over a child in such circumstances, the child is required to enter into an agreement with the agency which provides child welfare services. Such an agreement is required to provide that the child is entitled to: (1) continue receiving services from the agency which provides child welfare services; and (2) receive monetary payments directly or to have such payments provided to another entity in an amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law additionally requires the agency which provides child welfare services to develop a written plan to assist the child in transitioning into independent living. (NRS 432B.595) ~~If a child determined to be a child in need of protection is adopted before the child reaches 18 years of age, section 3 of this bill authorizes the child to enter into a similar agreement, but with the agency which provides child welfare services rather than having a court assume jurisdiction over the child. Section 3 requires such an agreement to specify that, while the agreement is in effect, the child is: (1) entitled to receive services from the agency which provides child welfare services and to receive monetary payments directly or to have such payments provided to another entity; and (2) required to comply with a written plan developed by the agency which provides child welfare services to assist the child in transitioning into independent living. Section 7 of this bill requires the agency which provides child welfare services to develop such a written plan for the child. Section 3 provides that the agreement terminates upon a determination by the agency which provides child welfare services that the child is not in compliance or making a good faith attempt to comply with the written plan. Section 3 also provides for the termination of such an agreement if the child so requests or on the date the child reaches 21 years of age.~~

~~Section 2 of this bill authorizes the agency which provides child welfare services, with the consent of such a child, to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered. Sections 1, 4-6 and 8 of this bill make conforming changes.]~~

Existing federal law allows states to receive federal financial participation for foster care payments for persons who are between 18 and 21 years of age under certain circumstances. (42 U.S.C. §§ 670 et seq.) Section 3 of this bill requires the Department of Health and Human Services to take any action necessary to obtain such federal financial participation. If such federal financial participation is obtained, section 3 requires the Department to establish a program to allow such children to voluntarily remain in foster care. Section 9.5 of this bill requires the Division of Child and Family Services of the Department to: (1) establish a plan to implement the program; (2) take certain other actions to implement the program; and (3) submit a report to the Legislative Committee on Child Welfare and Juvenile Justice concerning the implementation of the program.

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

Section 1. ~~NRS 432.010 is hereby amended to read as follows:~~

~~432.010 As used in this chapter, except as otherwise defined by specific statute or unless the context otherwise requires:~~

- ~~1. "Administrator" means the Administrator of the Division.~~
- ~~2. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.~~
- ~~3. "Child" means a person who [is] ⁺~~
 - ~~(a) Is less than 18 years of age [or who remains] [;]~~
 - ~~(b) Remains under the jurisdiction of a court pursuant to NRS 432B.594 [.] [;]~~
 - ~~(c) Enters into an agreement with an agency which provides child welfare services pursuant to section 3 of this act.~~

- ~~4. "Department" means the Department of Health and Human Services.~~
- ~~5. "Director" means the Director of the Department.~~
- ~~6. "Division" means the Division of Child and Family Services of the Department.~~
- ~~7. "Maintenance" means general expenses for care such as board, shelter, clothing, transportation and other necessary or incidental expenses, or any of them, or monetary payments therefor.~~
- ~~8. "Special services" means medical, hospital, psychiatric, surgical or dental services, or any combination thereof.] (Deleted by amendment.)~~

Sec. 2. ~~NRS 432.0395 is hereby amended to read as follows:~~

~~432.0395 1. Before an agency which provides child welfare services requests and examines a copy of any credit report pursuant to subsection 2, the agency which provides child welfare services shall, to the greatest extent practicable:~~

- ~~(a) Inform the child of the requirement to request and examine a copy of any credit report that may exist for the child;~~
- ~~(b) Explain to the child the process for resolving any inaccuracy discovered on any such credit report; and~~
- ~~(c) Explain to the child the possible consequences of an inaccuracy on a credit report of the child.~~

~~2. An agency which provides child welfare services shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:~~

- ~~(a) When the child reaches the age of 14 years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I); or~~
- ~~(b) If the child has reached the age of 14 years before the child is placed in the custody of the agency which provides child welfare services, within 90 days after the placement of the child in the custody of the agency which~~

provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(D).

~~3. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.~~

~~4. If the agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:~~

~~(a) Report any information which may indicate identity theft or other crime to the Attorney General;~~

~~(b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and~~

~~(c) If an inaccuracy remains unresolved after the child has left the custody of the agency which provides child welfare services, notify the child or, if the child has not attained the age of majority, the person responsible for the child's welfare:~~

~~(1) That an inaccuracy exists in the credit report of the child;~~

~~(2) Of the manner in which to correct the inaccuracy; and~~

~~(3) Of any services that may be available in the community to provide assistance in correcting the inaccuracy.~~

~~5. An agency which provides child welfare services may, upon consent of a child who remains under the jurisdiction of a court pursuant to NRS 432B.594 [.] or who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act, continue to request and examine a credit report of the child and provide assistance to the child if an inaccuracy is discovered.~~

~~6. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection 4 and prosecute in accordance with law each person responsible for any identity theft identified in the investigation.] (Deleted by amendment.)~~

Sec. 3. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. A child who is at least 18 years of age may enter into a written agreement with the agency which provides child welfare services described in subsection 2 if the child was:~~

~~(a) Determined to be a child in need of protection pursuant to NRS 432B.550 and placed by a court with a person or entity other than a parent; and~~

~~(b) Adopted at any time after such placement before reaching 18 years of age.~~

~~2. An agreement entered into pursuant to subsection 1 must include, without limitation, provisions specifying that:~~

~~(a) The child voluntarily entered into the agreement;~~

~~(b) While the agreement is in effect, the child is entitled to receive services from the agency which provides child welfare services and to receive monetary payments directly or to have such payments provided to another entity as designated in the plan developed pursuant to NRS 432B.595 in an amount not to exceed the rate of payment for foster care;~~

~~(c) While the agreement is in effect, the child is required to comply with the written plan developed pursuant to NRS 432B.595; and~~

~~(d) The agreement terminates:~~

~~(1) Upon a determination by the agency which provides child welfare services that the child is not in compliance or making a good faith attempt to comply with the written plan developed pursuant to section NRS 432B.595;~~

~~(2) Upon a request by the child to terminate the agreement; or~~

~~(3) On the date on which the child reaches 21 years of age,~~

~~whichever occurs first.] The Department shall:~~

1. Take any action necessary to obtain federal financial participation under 42 U.S.C. §§ 670 et seq. to establish a program to allow a person who is 18 years of age or older and meets the criteria prescribed in 42 U.S.C. § 675(8)(B) to voluntarily remain in foster care until he or she reaches 21 years of age under conditions prescribed by regulation of the Department; and

2. If the Department obtains federal financial participation pursuant to subsection 1:

(a) Pay the nonfederal share of the costs of the program described in subsection 1;

(b) Adopt any regulations necessary to carry out the program described in subsection 1, including, without limitation, regulations that establish the conditions under which a person described in subsection 1 may voluntarily remain in foster care until he or she reaches 21 years of age; and

(c) Take any other action necessary to carry out the program described in subsection 1.

Sec. 4. ~~NRS 432B.040 is hereby amended to read as follows:~~

~~432B.040 "Child" means a person under the age of 18 years or, if in school, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594 [.] or who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.] (Deleted by amendment.)~~

Sec. 5. ~~NRS 432B.060 is hereby amended to read as follows:~~

~~432B.060 "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child. The term does not include a person or governmental organization who continues to provide services to a child that remains under the jurisdiction of a court pursuant to NRS 432B.594 [.] or to a child who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.] (Deleted by amendment.)~~

Sec. 6. ~~NRS 432B.591 is hereby amended to read as follows:~~

~~432B.591 As used in NRS 432B.591 to 432B.595, inclusive, and section 3 of this act, “child” means a person who is:~~

- ~~1. Under the age of 18 years; and~~
- ~~2. Over the age of 18 years and who remains under the jurisdiction of the court pursuant to NRS 432B.594 [.] or who enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act.] (Deleted by amendment.)~~

Sec. 7. ~~NRS 432B.595 is hereby amended to read as follows:~~

~~432B.595 1. If a child enters into an agreement with the agency which provides child welfare services pursuant to section 3 of this act or the court retains jurisdiction over a child pursuant to NRS 432B.594, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. Such a plan must include, without limitation, the following goals:~~

- ~~(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;~~
- ~~(b) If the child has not graduated from high school or obtained a general equivalency diploma or an equivalent document, that the child remain enrolled in high school or a program to obtain a general equivalency diploma or an equivalent document until graduation or completion of the program;~~
- ~~(c) If the child has graduated from high school or obtained a general equivalency diploma or an equivalent document, that the child:

 - ~~(1) Enroll in a program of postsecondary or vocational education;~~
 - ~~(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or~~
 - ~~(3) Obtain or actively seek employment which is at least 80 hours per month;~~~~
- ~~(d) That the child secure housing;~~
- ~~(e) That the child have adequate income to meet his or her monthly expenses;~~
- ~~(f) That the child identify an adult who will be available to provide support to the child;~~
- ~~(g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child; and~~
- ~~(h) If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, that the child have goals which are appropriate for the child based upon the needs of the child.~~

~~2. During the period in which the agreement remains in effect or the court retains jurisdiction over the child, as applicable, the agency which provides child welfare services shall:~~

- ~~(a) Monitor the plan developed pursuant to subsection 1 and adjust the plan as necessary;~~
- ~~(b) Contact the child by telephone at least once each month and in person at least quarterly;~~

~~(e) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and~~

~~(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance. (Deleted by amendment.)~~

Sec. 8. ~~NRS 392.287 is hereby amended to read as follows:~~

~~392.287 “Child” means a person under the age of 18 years or, if a pupil, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to NRS 432B.594 [.] or who enters into an agreement pursuant to section 3 of this act. (Deleted by amendment.)~~

Sec. 9. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)~~

Sec. 9.5. 1. The Division of Child and Family Services of the Department of Health and Human Services shall:

(a) In consultation with agencies which provide child welfare services, other agencies and organizations that provide social services, attorneys who represent children in the custody of agencies which provide child welfare services and other interested persons and entities, establish a plan to carry out the program described in section 3 of this act. The plan must include, without limitation:

(1) A timeline for carrying out the program described in section 3 of this act, the process for carrying out the program and an analysis of the fiscal impact of the program; and

(2) An analysis of the implementation and effect of the program established pursuant to NRS 432B.591 to 432B.595, inclusive, that allows a child who is over 18 years of age to voluntarily remain under the jurisdiction of a court under the conditions prescribed by NRS 432B.594.

(b) As soon as practicable but not later than September 30, 2020, apply to the Administration for Children and Families of the United States Department of Health and Human Services to amend the state plan for foster care and adoption assistance submitted pursuant to 42 U.S.C. § 671 as necessary to carry out the provisions of section 3 of this act.

(c) On or before October 1, 2020, submit to the Legislative Committee on Child Welfare and Juvenile Justice:

(1) A report concerning the status of the plan described in paragraph (a) and the program described in section 3 of this act; and

(2) Any recommendations for legislation necessary to improve the implementation of the program described in section 3 of this act.

2. As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

Sec. 10. This act becomes effective ~~on July 1, 2019.~~ 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. 161.

Bill read second time.

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

Amendment No. 375.

ASSEMBLYMEN HANSEN, LEAVITT; BILBRAY-AXELROD, COHEN, EDWARDS, HARDY, KRAMER, ROBERTS, SWANK, TITUS AND WATTS

JOINT SPONSOR: SENATOR SCHEIBLE

AN ACT relating to common-interest communities; prohibiting common-interest communities from restricting the ownership of pets by a unit's owner under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the unit-owners' association of a common-interest community to adopt bylaws and authorizes an association to amend such bylaws and to adopt rules and regulations concerning the community. (NRS 116.3102) **Section 1** of this bill restricts an association from prohibiting a unit's owner from keeping at least one pet within his or her residence, subject to the association's reasonable ~~rules relating to the ownership of pets~~ **restrictions on pet ownership** in the common-interest community. **Section 1 provides that a restriction on the ownership of a dangerous or vicious dog will be presumed to be a reasonable restriction on pet ownership.** If an association adopts a ~~rule~~ **provision in the governing documents or amends a provision in the governing documents** restricting the number of pets kept by a unit's owner, ~~this bill~~ **section 1** requires the ~~rule~~ **provision** to apply prospectively, prohibiting the association from restricting a unit's owner from continuing to keep a pet that otherwise complied with the previous ~~rules of the association~~ **provisions of the governing documents. Section 1 provides that a prohibition on pet ownership may be contained in the original declaration of a common-interest community. Section 1 also provides that a prohibition on pet ownership contained in a provision of a governing document is valid and enforceable, if the prohibition is effective on or before October 1, 2019.** **Section 2** 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 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2, ~~and~~ 3, ~~and~~ 4, the executive board of an association shall not and the governing documents of

that association must not prohibit a unit's owner from keeping at least one pet within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively.

2. This section does not preclude an association from adopting, and does not preclude the governing documents of the association from setting forth, ~~rules that reasonably restrict~~ reasonable restrictions on the ownership of pets by a unit's owner. For the purpose of this subsection, it is presumed that a restriction on the ownership of a dangerous or vicious dog as defined in NRS 202.500 is a reasonable restriction on pet ownership.

3. If an association adopts a new ~~rule restricting~~ provision or amends an existing provision of a governing document to restrict the number of pets kept by a unit's owner, the ~~rule~~ provision must not prohibit a unit's owner from continuing to keep his or her pet within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively, if the pet otherwise conformed to the previous ~~rules of the association~~ provisions of the governing documents.

4. The original declaration may prohibit a unit's owner from keeping at least one pet within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively. A declaration may not be amended to include such a prohibition.

5. Nothing in this section shall be construed to affect ~~any~~;

(a) The validity and enforceability of a provision in a governing document prohibiting a unit's owner from keeping at least one pet within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively, if such a prohibition was effective on or before October 1, 2019.

(b) Any other right provided by law to a unit's owner concerning his or her right to keep a pet within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively.

~~5.~~ 6. For purposes of this section ~~["pet"]~~;

(a) "Governing documents" means:

(1) The articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents that are used to organize the association for the common-interest community;

(2) The bylaws and rules of the association; and

(3) Any other documents that govern the operation of the common-interest community or the association.

(b) "Pet" means any domesticated bird, cat, dog or aquatic animal kept within an aquarium or other animal as agreed upon by the association and the unit's owner.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any

developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, *and section 1 of this act*, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

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. 176.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 572.

~~ASSEMBLYMAN~~ ASSEMBLYMEN YEAGER ; BENITEZ- THOMPSON AND KRASNER

JOINT SPONSOR: SENATOR CANNIZZARO

AN ACT relating to crimes; enacting the Sexual Assault Survivors' Bill of Rights; defining certain terms relating to victims of sexual assault; ~~authorizing the Attorney General to commence a civil action to enforce the Bill of Rights;~~ creating the Advisory Committee on the Rights of Survivors of Sexual Assault; prescribing the membership and duties of the Advisory Committee; requiring certain information to be provided to a victim of sexual assault; revising certain provisions relating to sexual assault forensic analysis kits; making ~~an appropriation;~~ appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides under certain circumstances that a person who: (1) subjects another person or child under the age of 14 years to sexual penetration; or (2) forces another person or child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) ~~Sections 2-30~~ 2-29 of this bill enact the Sexual Assault Survivors' Bill of Rights. **Section 15** of this bill defines the term "survivor" for purposes of the Bill of Rights, and certain other purposes, as a person who is the victim of a sexual assault or certain other persons if the victim is incompetent, deceased or a minor.

Section 16 of this bill provides that the Sexual Assault Survivors' Bill of Rights attaches when a survivor is subject to: (1) a forensic medical examination; or (2) an interview by a law enforcement official, prosecutor or

defense attorney. **Section 17** of this bill grants a survivor the right to consult with: (1) a sexual assault ~~counselor,~~ **victims' advocate;** or (2) an attendant of the survivor's choosing for support during a sexual assault forensic medical examination and an interview with a law enforcement official, prosecutor or defense attorney. Further, **section 18** of this bill provides: (1) that certain communications between a sexual assault ~~counselor,~~ **victims' advocate** and a survivor ~~remain confidential and,~~ **are** privileged; (2) that such privilege may be waived by the survivor; and (3) for the application of certain rules of evidence regarding such communications.

Section 19 of this bill outlines a survivor's rights before and during a forensic medical examination and prescribe certain duties required of the medical provider. **Section 20** of this bill makes conforming changes to reflect a survivor's rights during an interview with a law enforcement official, prosecutor or defense attorney and such an interviewer's duties. **Section 21** of this bill affords a survivor the right to counsel under certain circumstances.

Sections 22-24 of this bill set forth procedures regarding the collection and analysis of forensic evidence kits. **Section 25** of this bill prohibits a defendant from challenging his or her conviction based on certain persons not adhering to such collection and analysis timelines. **Section 26** of this bill provides that forensic evidence from the sexual assault may not be used to prosecute a survivor under certain circumstances. **Section 27** of this bill requires the Office of the Attorney General to develop and make available certain information for a survivor regarding his or her sexual assault.

Section 29 of this bill provides a survivor with certain rights regarding the legal process, such as being reasonably protected from the defendant, being allowed to wait at trial in a separate area from the defendant, ~~requesting the court to clear certain persons from the courtroom when the survivor is testifying,~~ authorizing the survivor to make a ~~sentencing recommendation or,~~ survivor impact statement under certain circumstances and prohibiting the requirement of an examination by polygraph of the survivor before he or she is authorized to participate in certain legal processes.

~~Section 30 of this bill authorizes: (1) a survivor to maintain an action to compel any duty required under the Sexual Assault Survivors' Bill of Rights; and (2) the Office of the Attorney General to commence a civil action against a public officer or employee for a violation of the Bill of Rights.]~~

Section 32 of this bill creates the Advisory Committee on Rights of Survivors of Sexual Assault, and **section 33** of this bill prescribes the duties of the Advisory Committee as related to sexual assault forensic evidence kits, sexual assault ~~counselors,~~ **victims' advocates** and the implementation of the rights guaranteed by the Sexual Assault Survivors' Bill of Rights.

Existing law requires a prosecutor to inform an alleged victim of sexual assault of the final disposition of the case if the case goes to trial. (NRS 200.3784) **Section 35** of this bill additionally requires the prosecutor to provide, upon the written request of the alleged victim, the pretrial disposition of the case ~~[, the location of the defendant under certain circumstances]~~ and

information supplied by the sex offender registry regarding the defendant, if applicable.

~~[With regards to] Existing law sets forth certain requirements pertaining to the collection and analysis [requirements] of sexual assault forensic evidence kits . [existing law requires a law enforcement agency to submit such a kit to a forensic laboratory within 30 days of its receipt. The forensic laboratory is then required to test the kit within 120 days of its receipt.]~~ (NRS 200.3786) **Section 36** of this bill requires: (1) a medical provider to notify a law enforcement agency within ~~[24]~~ **72** hours of conducting a forensic medical examination; **and** (2) the law enforcement agency to take possession of such a kit within 5 days of such notification . ~~[; (3) the law enforcement agency to submit such a kit to a forensic laboratory within 5 days of the law enforcement agency taking possession of such a kit; and (4) the forensic laboratory to test the kit within 90 days of its receipt.]~~

Existing law requires the State to implement a statewide tracking system for sexual assault forensic evidence kits and to submit an annual report to the Legislature regarding certain data collected by forensic laboratories analyzing such kits. (NRS 200.3786, 200.3788) **Section 36** ~~[additionally requires that such a report be posted on an Internet website that is accessible to the general public and additionally requires that the date on which each sexual assault forensic evidence kit was tested be added to such]~~ **eliminates the requirement to make such** a report. **Section 37** of this bill requires that the survivor be allowed to track or receive certain updates via Internet or telephone.

Section 40 of this bill makes an appropriation of \$250,000 to the Office of the Attorney General for the implementation of the Sexual Assault Survivors' Bill of Rights and the Advisory Committee on Rights of Survivors of Sexual Assault.

Section 40.5 of this bill makes an appropriation of \$750,000 for each fiscal year to the Office of the Attorney General for the purpose of awarding grants to organizations that will recruit and train persons to serve as sexual assault victims' advocates.

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

Section 1. Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 34, inclusive, of this act.

Sec. 2. *Sections 2 to ~~30~~ 29, inclusive, of this act may be cited as the Sexual Assault Survivors' Bill of Rights.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 15, inclusive, of this act have the meaning ascribed to them in those sections.*

Sec. 4. *"CODIS" has the meaning ascribed to it in NRS 176.09113.*

Sec. 5. *"DNA profile" has the meaning ascribed to it in NRS 176.09115.*

Sec. 6. “Forensic laboratory” has the meaning ascribed to it in NRS 176.09117.

Sec. 7. “Forensic medical examination” has the meaning ascribed to it in NRS 217.300.

Sec. 8. “Genetic marker analysis” has the meaning ascribed to it in NRS 176.09118.

Sec. 9. “Law enforcement agency” means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.

Sec. 10. 1. “Law enforcement official” means:

(a) Any person employed by a law enforcement agency; or
 (b) Any person employed by a public school, private school or institution of higher education whose primary duty is to enforce the law.

2. For purposes of this section:

(a) “Institution of higher education” has the meaning ascribed to it in NRS 179D.045.

(b) “Private school” means a nonprofit private elementary or secondary educational institution that is licensed in this State.

(c) “Public school” has the meaning ascribed to it in NRS 388.127.

Sec. 11. “Medical provider” means any provider of health care, as defined in NRS 629.031, hospital, emergency medical facility or other facility conducting a forensic medical examination of a survivor.

Sec. 12. ~~“Sexual assault counselor” means any counselor, victims’ advocate or other trained person who is employed or volunteers at an established center for the support of survivors.~~ (Deleted by amendment.)

Sec. 13. “Sexual assault forensic evidence kit” has the meaning ascribed to it in NRS 200.364.

Sec. 13.5. “Sexual assault victims’ advocate” means a victims’ advocate or other trained person who is employed or volunteers at an established center for the support of survivors.

Sec. 14. “State DNA Database” means the database established pursuant to NRS 176.09121.

Sec. 15. “Survivor” means a person who is a victim of sexual assault, as defined in NRS 217.280 or, if the victim is incompetent, deceased or a minor, the parent, guardian, spouse, legal representative or other person related to the victim within the second degree of consanguinity or affinity, unless such person is the defendant or accused or is convicted of the sexual assault.

Sec. 16. 1. The rights provided to a survivor pursuant to the Sexual Assault Survivors’ Bill of Rights attach whenever the survivor is subject to:

(a) A forensic medical examination; ~~and~~ or
 (b) An interview by a law enforcement official, prosecutor or defense attorney.

2. A survivor retains the rights provided by the Sexual Assault Survivors’ Bill of Rights at all times, regardless of whether the survivor:

(a) Agrees to participate in the legal or criminal justice system; ~~for~~

(b) Agrees to speak to a law enforcement official, prosecutor or defense attorney; or

(c) Consents to a forensic medical examination.

Sec. 17. 1. A survivor has the right to consult with a sexual assault ~~counselor~~ victims' advocate during:

(a) Any forensic medical examination; and

(b) Any interview by a law enforcement official, prosecutor or defense attorney.

2. A survivor has the right to designate an attendant to provide support during:

(a) Any forensic medical examination; and

(b) Any interview by a law enforcement official, prosecutor or defense attorney.

Sec. 18. 1. ~~Any~~ Except as otherwise provided in this subsection, any communication between a survivor and a sexual assault ~~counselor~~ victims' advocate is ~~confidential and~~ privileged, ~~including, without limitation, any~~ Any information disclosed in the presence of a third party ~~during:~~

~~(a) A forensic medical examination; and~~

~~(b) An interview by a law enforcement official, prosecutor or defense attorney.~~

~~2. The presence of a law enforcement official, prosecutor or defense attorney during a forensic medical examination does not operate to defeat any privilege guaranteed by law.~~

~~3. is not privileged unless the communication is privileged pursuant to other law.~~

2. A waiver of the right of a survivor to consult with a sexual assault ~~counselor~~ victims' advocate, pursuant to section 17 of this act, is a privilege.

~~4.~~3. A survivor retains the rights pursuant to section 17 of this act even if the survivor has waived such rights during a previous examination or interview.

~~5.~~4. Except with the consent of the survivor, the following are not admissible into evidence for any purpose:

(a) The waiver of a survivor pursuant to subsection ~~3.~~2.

(b) Any privileged communication between a survivor and a sexual assault ~~counselor~~ victims' advocate.

Sec. 19. 1. If a survivor requests a consultation with a sexual assault ~~counselor~~ victims' advocate or an attendant to provide support to the survivor pursuant to section 17 of this act, the medical provider shall summon the sexual assault ~~counselor~~ victims' advocate or attendant before the commencement of the forensic medical examination.

2. If a sexual assault ~~counselor~~ victims' advocate or an attendant to provide support to the survivor pursuant to section 17 of this act cannot be

summoned in a timely manner, the medical provider shall inform the survivor of the ramifications of delaying the forensic medical examination.

3. A survivor must not be required to pay any expense related to a forensic medical examination pursuant to NRS 217.300.

4. After the forensic medical examination, the survivor has the right to use a shower apparatus at no cost, unless a facility which includes a shower apparatus is not available.

5. Before a medical provider commences a forensic medical examination, the medical provider shall inform the survivor of his or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law by presenting a document developed by the Office of the Attorney General pursuant to section 27 of this act.

6. ~~The person who presents to the survivor the document provided to the survivor pursuant to subsection 5 must be:~~

~~*(a) Signed by the survivor; and*~~

~~*(b) Transmitted to the Office of the Attorney General by the medical provider to confirm its receipt by the Office of the Attorney General.*~~
developed by the Office of the Attorney General pursuant to section 27 of this act shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.

Sec. 20. 1. If a survivor exercises his or her right to consult with a sexual assault ~~counselor~~ victims' advocate during an interview pursuant to section 17 of this act, the law enforcement officer, prosecutor or defense attorney conducting the interview, as applicable, shall summon the sexual assault ~~counselor~~ victims' advocate before the commencement of the interview, unless no sexual assault ~~counselor~~ victims' advocate can be summoned in a timely manner.

2. A survivor has the right to designate an attendant to provide support of his or her choosing during any interview by a law enforcement officer, prosecutor or defense attorney pursuant to section 17 of this act, unless the law enforcement official, prosecutor or defense attorney determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.

3. A survivor has the right to be interviewed by a law enforcement official of the gender of the choosing of the survivor. If no law enforcement official of that gender is available in a reasonably timely manner, the survivor may be interviewed by an available law enforcement official of a different gender only upon the consent of the survivor.

4. A law enforcement official, prosecutor or defense attorney shall not discourage a survivor from receiving a forensic medical examination.

5. Before commencing an interview with a survivor, the law enforcement official, prosecutor or defense attorney conducting the interview shall inform the survivor of his or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law.

6. Any information conveyed by the law enforcement official, prosecutor or defense attorney pursuant to subsection 5 ~~shall~~ must be conveyed to the survivor by presenting a document developed by the Office of the Attorney General pursuant to section 27 of this act.

7. ~~The person who presents to the survivor the document provided to the survivor pursuant to subsection 6 must be:~~

~~(a) Signed by the survivor, and~~

~~(b) Transmitted to the Office of the Attorney General by the law enforcement official, prosecutor or defense attorney, as applicable, to confirm its receipt by the Office of the Attorney General.~~ developed by the Office of the Attorney General pursuant to section 27 of this act shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.

Sec. 21. 1. A survivor retains the right to have counsel present during any forensic medical examination, interview, investigation or other interaction with any representative of the legal or criminal justice system within this State pursuant to sections 16 to 20, inclusive, of this act.

2. The treatment of the survivor must not be affected or altered in any way as a result of the decision of the survivor to exercise his or her right to have counsel present during any forensic medical examination, interview, investigation or other interaction with the legal or criminal justice systems within this State.

Sec. 22. 1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests, in writing at any time prior to such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. ~~The forensic laboratory shall retain the sexual assault forensic evidence kit for at least 4 years before it is destroyed, or until the survivor reaches 40 years of age if the survivor was a minor when the sexual assault occurred.~~ Biological evidence, including, without limitation, a sexual assault forensic evidence kit, secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual

assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 23. ~~1.~~ Upon the request of a survivor, he or she has the right to be informed of:

~~(a)~~ 1. The results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

~~(b)~~ 2. Whether the analysis yielded a DNA profile; and

~~(c)~~ 3. Whether the analysis yielded the DNA profile of the defendant or person accused or convicted of a crime against the survivor or a person already in CODIS.

~~2. The survivor has the right to receive the information pursuant to subsection 1 through a secure and confidential message, in writing, from the forensic laboratory conducting the analysis of the sexual assault forensic evidence kit of the survivor. The message must include the telephone number of the forensic laboratory.]~~

Sec. 24. The failure of a law enforcement agency to take possession of a sexual assault forensic evidence kit pursuant to the Sexual Assault Survivors' Bill of Rights, or the failure of the law enforcement agency to submit such evidence for genetic marker analysis within the timeline prescribed pursuant to the Bill of Rights, does not alter:

1. The authority of a law enforcement agency to take possession of that evidence or to submit that evidence to a forensic laboratory; and

2. The authority of the forensic laboratory to accept and analyze the evidence or to upload ~~an~~ an eligible DNA profile obtained from such evidence to CODIS or the State DNA Database.

Sec. 25. 1. A defendant or person accused or convicted of a crime against a survivor does not have standing to seek to have his or her conviction or sentence set aside for any failure by a medical provider, law enforcement agency, forensic laboratory or other relevant entity to comply with the timing requirements of the Sexual Assault Survivors' Bill of Rights.

2. Failure by a medical provider, law enforcement agency, forensic laboratory or other relevant entity to comply with the requirements of the Sexual Assault Survivors' Bill of Rights does not constitute grounds for challenging the validity of a match or any information in the State DNA Database during any criminal or civil proceeding, and any evidence of such a match or any information in the State DNA Database must not be excluded by a court on such grounds.

Sec. 26. Forensic evidence from a sexual assault may not be used:

1. To prosecute a survivor for any:

(a) Misdemeanor; or

(b) Offense related to a controlled substance.

2. *As a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor.*

Sec. 27. 1. *The Office of the Attorney General shall:*

(a) *Develop a document that explains the rights of a survivor pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law; and*

(b) *Make the document available to medical providers, law enforcement officials, prosecutors and defense attorneys.*

2. *The document must be in clear language that is comprehensible to a person proficient in English at the reading level of a fifth grader, accessible to persons with visual disabilities and available in all major languages of this State.*

3. *The document must include, without limitation:*

(a) *A clear statement that the survivor is not required to participate in the criminal justice system or to receive a forensic medical examination in order to retain the rights provided by the Sexual Assault Survivors' Bill of Rights and other relevant law;*

(b) *Means of contacting, by telephone or Internet, nearby sexual assault ~~counselors~~ victims' advocates and centers for support for victims of sexual assault;*

(c) *Information about the availability of temporary and extended orders of protection pursuant to NRS 200.378;*

(d) *Instructions for requesting the results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;*

(e) *Information concerning state and federal funds for compensation for medical and other costs associated with the sexual assault; and*

(f) *Information concerning any municipal, state or federal right to restitution for survivors in the event of a criminal trial.*

Sec. 28. 1. ~~1. A~~ Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by the survivor, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.

2. *A prosecutor shall, upon written request of a survivor, provide certain information to the survivor pursuant to NRS 200.3784.*

3. *Each forensic laboratory shall submit the report concerning the status of sexual assault forensic evidence kits annually pursuant to NRS 200.3786.*

Sec. 29. 1. *In addition to any other right provided by law, a survivor has the right:*

(a) In any civil or criminal case related to a sexual assault, to be reasonably protected from the defendant and persons acting on behalf of the defendant.

(b) To be free from intimidation, harassment and abuse.

(c) To be treated with fairness and respect for his or her privacy and dignity.

(d) To be heard through a victim impact statement at any proceeding involving any plea, sentencing, postconviction decision or any other proceeding where the rights of the survivor are at issue.

~~[(e) To provide a sentencing recommendation to the relevant official of the Division of Parole and Probation of the Department of Public Safety conducting a presentence investigation.]~~

2. A survivor ~~shall~~ must not be required to submit to an examination by polygraph as a prerequisite to filing an accusatory pleading or participating in any part of the criminal justice system.

3. A court shall make reasonable efforts to provide the survivor and the family, friends and witnesses of the survivor with a secure waiting area or room that is separate from:

(a) The waiting area of the defendant and the family, friends, witnesses and attorneys of the defendant; and

(b) The office of the prosecutor, if applicable.

~~[4. In any civil or criminal case, the court shall grant the request of a survivor that the court clear the courtroom of all persons when the survivor is testifying regarding the sexual assault, except the parties to the cause and their immediate families, guardians, attorneys and other personnel working at the direction of the attorney, officers of the court, jurors, newspaper reporters or broadcasters and court reporters, except if the survivor consents that witnesses designated by the prosecutor may remain in the courtroom.]~~

~~Sec. 30. [1. A survivor may maintain an action to compel a public officer or employee to carry out any duty required pursuant to the Sexual Assault Survivors' Bill of Rights.~~

~~2. The Attorney General may investigate any violation of the Sexual Assault Survivors' Bill of Rights.~~

~~3. Any public officer or employee who violates the Sexual Assault Survivors' Bill of Rights is subject to a civil penalty of not more than \$1,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General.] (Deleted by amendment.)~~

Sec. 31. As used in sections 31 to 34, inclusive, of this act, "Advisory Committee" means the Advisory Committee on Rights of Survivors of Sexual Assault.

Sec. 32. 1. There is hereby created the Advisory Committee on Rights of Survivors of Sexual Assault.

2. The Advisory Committee consists of:

(a) The Attorney General;

(b) *The Director of the Department of Corrections;*

(c) *One member who is a law enforcement official working for a local law enforcement agency, appointed by the Nevada Sheriffs' and Chiefs' Association;*

(d) *One member who is an attorney, appointed by the governing body of the State Bar of Nevada; and*

(e) *The following members appointed by the Attorney General:*

(1) *One member who is a survivor and a citizen or lawful resident of this State;*

(2) *One member who is a representative of an organization supporting the rights of survivors;*

(3) *One member who is a representative of a center of support for victims of sexual assault;*

(4) *One member who is a representative of a forensic laboratory;*

(5) *One member who is a representative of a university, state college or community college within the Nevada System of Higher Education whose duties of his or her occupation include direct services to victims of sexual assault and whose employer is not under investigation by the United States Department of Education for an alleged violation of 20 U.S.C. § 1092 or Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;*

(6) *One member who is a representative of an organization that provides services, education or outreach to minority communities;*

(7) *One member who is a representative of an organization that provides services, education or outreach to lesbian, gay, bisexual, transgender and questioning persons; and*

(8) *One member who is a nurse examiner who specializes in forensic medical examinations for sexual assault.*

3. *The Attorney General may appoint not more than three other persons to the Advisory Committee. The total membership of the Advisory Committee must not exceed 15 members.*

4. *If any organization listed in subsection 2 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 Attorney General.*

5. *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 Advisory Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.*

6. *At the first regular meeting of each odd-numbered year, the members of the Advisory Committee shall elect a Chair by majority vote who shall serve until the next Chair is elected.*

7. *The Advisory Committee shall meet at least once annually at a time and place specified by the Chair and may meet at such further times as deemed necessary by the Chair.*

8. *A majority of the members of the Advisory Committee 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 Advisory Committee.*

9. *While engaged in the business of the Advisory Committee, to the extent of legislative appropriation, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

10. *The Attorney General shall provide the staff necessary to carry out the duties of the Advisory Committee.*

Sec. 33. 1. *The Advisory Committee shall study practices that are nationally recognized and make recommendations regarding:*

(a) *Whether a need exists for additional sexual assault ~~counselors~~ victims' advocates for survivors and, if such a need exists, the Advisory Committee shall ~~fr~~*

~~(1) Develop criteria to certify sexual assault counselors, and~~

~~(2) In in, in conjunction with centers of support for victims of sexual assault, organizations for advocates of survivors and other relevant programs or organizations, create a plan for how the State can provide additional sexual assault ~~counselors~~ victims' advocates to meet such a need, and determine the cost of such a plan.~~

(b) *Whether the need exists to expand the right of a survivor to a sexual assault ~~counselor~~ victims' advocate beyond the forensic medical examination and with a law enforcement official interview, and if such a need exists, the Advisory Committee shall:*

(1) *Identify the scope and nature of the need; and*

(2) *Make recommendations on how to best fill such a need.*

(c) *Whether a need exists to provide ongoing evaluation of the implementation of the rights of survivors pursuant to the Sexual Assault Survivors' Bill of Rights and, if such a need exists, the Advisory Committee shall:*

(1) *Identify the scope and nature of the need; and*

(2) *Make recommendations on how to best fill such a need, legislatively or otherwise.*

2. *In fulfilling the duties prescribed by subsection 1, the Advisory Committee shall collect:*

(a) *Data regarding reporting of sexual assaults, arrests relating to sexual assaults, rates of prosecutions relating to sexual assaults, access to victims' services for survivors and any other relevant data necessary relating to sexual assaults for the deliberations and recommendations of the Advisory Committee and, if such data does not exist, the Advisory Committee shall encourage the creation and maintenance of such data; and*

(b) *Feedback from stakeholders, practitioners and leadership of state and local law enforcement agencies, victims' services, practitioners of forensic science and health care communities to inform the development of best practices for the future, or clinical guidelines regarding the care and treatment of survivors.*

3. *In undertaking the duties prescribed by subsection 1, the Advisory Committee may retain independent experts. Such experts may:*

(a) *Request files and records from any law enforcement official. The information obtained from such a request must be kept strictly confidential and reported only as aggregated or anonymized data.*

(b) *Conduct confidential interviews with law enforcement officials, medical providers, sexual assault ~~counselors~~ victims' advocates and other such persons with direct knowledge of the response process for sexual assaults.*

(c) *Provide recommendations to the Advisory Committee.*

4. *On or before September 1 of each even-numbered year, the Advisory Committee shall:*

(a) *Prepare a report that includes the results of the assessments, developments and recommendations pursuant to this section.*

(b) *Submit the report prepared to paragraph (a) to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.*

Sec. 34. 1. *The Attorney General may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 31 to 34, inclusive, of this act.*

2. *Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Committee, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Advisory Committee and its activities pursuant to sections 31 to 34, inclusive, of this act.*

Sec. 35. NRS 200.3784 is hereby amended to read as follows:

200.3784 1. ~~The~~ *Upon written request of the alleged victim, the prosecuting attorney in any trial brought against a person on a charge of sexual assault shall timely inform the alleged victim of the* :

(a) *Any pretrial disposition of the case;*

(b) *The final disposition of the case* ~~};~~ *and*

(c) ~~The location of a convicted defendant, including, without limitation, whenever the defendant receives temporary, provisional or final release from custody, escapes from custody, is moved to a facility of a different security level or reenters custody; and~~

~~(d)~~ *Information from the record of registration pursuant to NRS 179D.151 regarding the defendant, if applicable.*

2. If the defendant is found guilty and the court issues an order or provides a condition of the sentence restricting the ability of the defendant to have contact with the victim or witnesses, the clerk of the court shall:

- (a) Keep a record of the order or condition of the sentence; and
- (b) Provide a certified copy of the order or condition of the sentence to the victim and other persons named in the order.

Sec. 36. NRS 200.3786 is hereby amended to read as follows:

200.3786 1. *Within ~~24~~ 72 hours after conducting a forensic medical examination, a medical provider shall notify the law enforcement agency having jurisdiction over the alleged sexual assault of the victim and the law enforcement agency shall take possession of the sexual assault forensic evidence kit.*

2. If a law enforcement agency determines it does not have jurisdiction over an alleged sexual assault, the law enforcement agency shall notify the law enforcement agency having proper jurisdiction of such an assault within 5 days after taking possession of the sexual assault forensic evidence kit. After receiving such notice, the law enforcement agency with proper jurisdiction shall take possession of the sexual assault forensic evidence kit.

3. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 ~~5~~ days after receiving *notice pursuant to subsection 1 or 2* of a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who has chosen to remain anonymous.

~~2.~~ 4. *A law enforcement agency shall, not later than 5 days after receiving notice of a sexual assault forensic evidence kit, assign a criminal complaint number to the evidence.*

5. *Any law enforcement agency that submits a sexual assault forensic evidence kit to a forensic laboratory shall, immediately following such a submission, notify the victim of ~~f~~*

~~(a) The name, telephone number and address of the forensic laboratory; and~~

~~(b) The information contained in subsections 1, 2 and 3.~~

6. A forensic laboratory shall, not later than 120 ~~90~~ days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit ~~1~~, *unless the victim requests, in writing, to defer the genetic marker analysis of the sexual assault forensic evidence kit pursuant to section 22 of this act.*

7. Upon completion of a genetic marker analysis, the forensic laboratory shall include ~~the~~ *an eligible* DNA profile obtained from the genetic marker analysis in the State DNA Database and CODIS.

~~3. 8. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before January 31 of each year, submit a report to the Director of the Legislative Counsel Bureau~~

~~for publishing on an Internet website that is accessible to the general public and transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. If the Legislature is in session, the Director shall ensure that each member of the Assembly and Senate Standing Committees on Judiciary receives a copy of the report. The report must contain:~~

~~(a) With regard to any sexual assault forensic evidence kit received by the forensic laboratory before January 1, 2015:~~

~~(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year; and~~

~~(2) The total number of such sexual assault forensic evidence kits that have not been tested;~~

~~(b) With regard to any sexual assault forensic evidence kit received by the forensic laboratory on or after January 1, 2015:~~

~~(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year and, for each such sexual assault forensic evidence kit, the date on which:~~

~~(I) The forensic evidence was obtained from a forensic medical examination;~~

~~(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory; and~~

~~(III) *The sexual assault forensic evidence kit was tested by the forensic laboratory;* and~~

~~(IV) The DNA profile obtained from the genetic marker analysis was included in the State DNA Database and CODIS.~~

~~(2) The total number of such sexual assault forensic evidence kits that have not been tested and, for each such sexual assault forensic evidence kit, the date on which:~~

~~(I) The forensic evidence was obtained from a forensic medical examination; and~~

~~(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory.~~

~~4.9.7.8. As used in this section:~~

~~(a) “CODIS” has the meaning ascribed to it in NRS 176.09113.~~

~~(b) “State DNA Database” has the meaning ascribed to it in NRS 176.09119.~~

~~Sec. 37. NRS 200.3788 is hereby amended to read as follows:~~

~~200.3788 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the Sexual Assault Kit Working Group, designate a department or division of the Executive Department of State Government to establish the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.~~

~~2. The program to track sexual assault forensic evidence kits must:~~

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive , **by telephone or on an Internet website**, updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the last 6 months.

(c) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic evidence kit by a forensic laboratory for genetic marker analysis, overall and for the last 6 months.

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the last 6 months.

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

7. As used in this section, “Sexual Assault Kit Working Group” means the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested.

Sec. 38. Section 28 of this act is hereby amended to read as follows:

Sec. 28. 1. Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by the survivor, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, “personal identifying information” has the meaning ascribed to it in NRS 205.4617.

2. A prosecutor shall, upon written request of a survivor, provide certain information to the survivor pursuant to NRS 200.3784.

3. Each forensic laboratory shall submit the report concerning the status of sexual assault forensic evidence kits annually pursuant to NRS 200.3786.

4. *The State shall establish a statewide program to track sexual assault forensic evidence kits pursuant to NRS 200.3788.*

Sec. 39. Section 33 of this act is hereby amended to read as follows:

Sec. 33. 1. The Advisory Committee shall study practices that are nationally recognized and make recommendations regarding:

(a) Whether a need exists for additional sexual assault victims’ advocates for survivors and, if such a need exists, the Advisory Committee shall, in conjunction with centers of support for victims of sexual assault, organizations for advocates of survivors and other relevant programs or organizations, create a plan for how the State can provide additional sexual assault victims’ advocates to meet such a need, and determine the cost of such a plan.

(b) Whether the need exists to expand the right of a survivor to a sexual assault victims’ advocate beyond the forensic medical examination and with a law enforcement official interview, and if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need.

(c) Whether a need exists to provide ongoing evaluation of the implementation of the rights of survivors pursuant to the Sexual Assault Survivors’ Bill of Rights and, if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need, legislatively or otherwise.

(d) The effectiveness of the statewide program to track sexual assault forensic evidence kits pursuant to NRS 200.3788.

2. In fulfilling the duties prescribed by subsection 1, the Advisory Committee shall collect:

(a) Data regarding reporting of sexual assaults, arrests relating to sexual assaults, rates of prosecutions relating to sexual assaults, access to victims' services for survivors and any other relevant data necessary relating to sexual assaults for the deliberations and recommendations of the Advisory Committee and, if such data does not exist, the Advisory Committee shall encourage the creation and maintenance of such data; and

(b) Feedback from stakeholders, practitioners and leadership of state and local law enforcement agencies, victims' services, practitioners of forensic science and health care communities to inform the development of best practices for the future, or clinical guidelines regarding the care and treatment of survivors.

3. In undertaking the required duties of the Advisory Committee, the Advisory Committee may retain independent experts. Such experts may:

(a) Request files and records from any law enforcement official. The information obtained from such a request must be kept strictly confidential and reported only as aggregated or anonymized data.

(b) Conduct confidential interviews with law enforcement officials, medical providers, sexual assault victims' advocates and other such persons with direct knowledge of the response process for sexual assaults.

(c) Provide recommendations to the Advisory Committee.

4. On or before September 1 of each even-numbered year, the Advisory Committee shall:

(a) Produce a report that includes the results of the assessments, developments and recommendations pursuant to subsections 1 and 2.

(b) Submit the report prepared to paragraph (a) to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.

Sec. 40. There is hereby appropriated from the State General Fund to the Office of the Attorney General the sum of \$250,000 for the purposes of implementing the Sexual Assault Survivors' Bill of Rights pursuant to sections 2 to ~~30~~ **29**, inclusive, of this act and creating the Advisory Committee on Rights of Survivors of Sexual Assault pursuant to sections 31 to 34, inclusive, of this act.

Sec. 40.5. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General for the purpose of awarding grants of money to organizations that will use the grants to recruit and train persons to serve as sexual assault victims' advocates the following sums:

For the Fiscal Year 2019-2020.....\$750,000

For the Fiscal Year 2020-2021.....\$750,000

2. The Office of the Attorney General may not use more than 10 percent of the money appropriated by subsection 1 to administer the grant program established by this section.

Sec. 41. Any remaining balance of the appropriation made by section 40 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. 41.5. Any balance of the sums appropriated by section 40.5 of this act 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 appropriations are made or any entity to which money from the appropriations 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.

Sec. 42. 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. 43. 1. This section and sections 40, ~~41 and~~ to 42, **inclusive**, of this act become effective upon passage and approval.

2. Sections 1 to 36, inclusive, of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

3. Sections 37, 38 and 39 of this act become effective on January 1, 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. 178.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 315.

AN ACT relating to taxation; authorizing the ~~{Office of Historic Preservation of the State Department of Conservation and Natural Resources}~~ **Department of Taxation** to approve and issue a certificate of transferable tax credits to a person who rehabilitates a historic building in this State under certain circumstances; providing for the calculation of the **amount of the** transferable tax credits; requiring the ~~{Office}~~ **Department** to provide notice of certain hearings concerning an application for transferable tax credits; requiring a person who rehabilitates a historic building to return any portion of transferable tax credits to which he or she is not entitled; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill authorizes a person who undertakes the rehabilitation of a qualified historic building to apply to the ~~{Office of Historic Preservation of the State Department of Conservation and Natural Resources}~~ **Department of Taxation** for a certificate of transferable tax credits. Under **section 5** of this bill, a building is a "qualified historic building" if the building is: (1) at least 50 years of age; (2) nonresidential real property as defined in certain federal laws authorizing tax credits for the rehabilitation of historic buildings; and (3) ~~{eligible for listing}~~ **is listed or located in a historic district that is listed in the National Register of Historic Places, or, the State Register of Historic Places or certain local historic districts.** **Section 7** requires the ~~{Office}~~ **Department** to approve an application for transferable tax credits **for the rehabilitation of a historic building** if, in addition to certain other requirements, the applicant incurred certain eligible costs and expenses of at least \$20,000 in connection with the rehabilitation of the building and the **Office of Historic Preservation of the State Department of Conservation and Natural Resources determines that the building is a qualified historic building and** certifies that the rehabilitation of the building satisfies the standards for the rehabilitation of historic buildings set forth in certain federal regulations. **Section 7 also provides that an applicant is not eligible for additional transferable tax credits if the applicant has been issued two or more certificates of transferable tax credits during the 2 years before the person's application.** Under **section 7**, the transferable tax credits may be applied to the modified business tax, gaming license fee or the insurance premium tax, or any combination thereof.

Sections 8 and 9 of this bill provide for the calculation of the amount of transferable tax credits and duration for which such transferable tax credits are valid. Under **section 8**, the amount of transferable tax credits issued to an applicant must **usually** be equal to 20 percent of the eligible costs and expenses incurred by the applicant for the rehabilitation, **but this must increase to 25 percent for the rehabilitation of an historic building that is part of certain state or federal programs or 30 percent if the rehabilitated building provides affordable housing. In any event, the tax credits** must not exceed ~~{\$3}~~ **\$1** million per qualified rehabilitation. **Section 8 also provides that the Department may not approve more than \$10 million in new transferable**

tax credits each year. Section 9 provides that the transferable tax credits expire 5 years after the date on which the credits are issued.

Section 10 of this bill requires the ~~Office~~ **Department** to meet certain notice requirements before holding a hearing to approve or disapprove an application for transferable tax credits. Section 11 of this bill requires an applicant to repay any portion of transferable tax credits to which the applicant is not entitled if the applicant becomes ineligible for the tax credits after receiving the tax credits.

Sections 2, 3, 4, 6 and 12 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 360 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. 1. *“Eligible costs and expenses” means any amount properly chargeable to the capital account of a qualified historic building in connection with a qualified rehabilitation.*

2. *The term does not include:*

(a) *The costs of acquiring any building or interest therein; or*

(b) *Any expenditures attributable to the enlargement of an existing building.*

Sec. 4. *“Office” means the Office of Historic Preservation of the State Department of Conservation and Natural Resources.*

Sec. 5. *“Qualified historic building” means a building in this State that*

~~is:~~

1. ~~At~~ *Is at least 50 years of age;*

2. ~~Nonresidential~~ *Is nonresidential real property as defined in 26 U.S.C. § 168(e)(2)(B); and*

3. ~~Eligible for listing in the National Register of Historic Places.~~ *Is:*

(a) *Listed individually in the National Register of Historic Places pursuant to 54 U.S.C. § 302102;*

(b) *Listed individually in the State Register of Historic Places pursuant to NRS 383.085;*

(c) *Located in an historic district listed in the National Register of Historic Places and certified by the Secretary of the Interior as contributing to the historic significance of the district pursuant to 36 C.F.R. § 67.5;*

(d) *Located in an historic district listed in the State Register of Historic Places pursuant to NRS 383.085 and is certified by the Office as contributing to the historic character of the district; or*

(e) *Listed individually or as part of a local historic district established pursuant to NRS 384.005 by a local government certified pursuant to 54 U.S.C. §302502.*

Sec. 6. "Qualified rehabilitation" means the rehabilitation of a qualified historic building that the Office has certified as meeting the standards for rehabilitation as defined in 36 C.F.R. § 67.7.

Sec. 7. 1. A person who undertakes a qualified rehabilitation may apply to the ~~Office~~ Department for a certificate of eligibility for transferable tax credits for any eligible costs and expenses. The transferable tax credits may be applied to:

- (a) Any tax imposed by chapter 363A or 363B of NRS;
- (b) The gaming license fees imposed by the provisions of NRS 463.370;
- (c) Any tax imposed pursuant to chapter 680B of NRS; or
- (d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. ~~The Office~~ Upon receipt of an application for a certificate of eligibility for transferable tax credits pursuant to this section, the Department shall forward the application to the Office, which shall determine whether the building for which the applicant will undertake a qualified rehabilitation is a qualified historic building. The Office shall notify the Department of its determination. If the Office determines that the building for which the applicant will undertake a qualified rehabilitation is a qualified historic building, the Department shall ~~approve an~~ :

(a) Approve the application for a certificate of eligibility for transferable tax credits if the ~~Office~~ Department finds that the person undertaking the qualified rehabilitation qualifies for the transferable tax credits pursuant to subsection 3 ; and ~~shall calculate~~

(b) Calculate the estimated amount of the transferable tax credits pursuant to section 8 of this act.

3. To be eligible for transferable tax credits pursuant to this section, a person must:

- (a) Submit an application that meets the requirements of subsection 4;
- (b) ~~Provide proof satisfactory to the Office that the building is a qualified historic building;~~

~~(c)~~ Provide proof satisfactory to the Office that the rehabilitation of the qualified historic building is a qualified rehabilitation;

~~(d)~~ (c) Provide proof satisfactory to the ~~Office~~ Department that the applicant has incurred eligible costs and expenses of \$20,000 or more in undertaking the qualified rehabilitation;

~~(e)~~ (d) Not later than 90 days after the date on which the qualified historic building was first placed in service after the qualified rehabilitation, provide the ~~Office~~ Department with ~~an~~ :

(1) A certificate issued by the Office that the rehabilitation of the qualified historic building is a qualified rehabilitation; and

(2) An itemized report of eligible costs and expenses incurred by the applicant and documentation to establish the amount of the eligible costs and expenses incurred by the applicant;

(e) Not have been issued two or more certificates of transferable tax credits during the 2 years immediately preceding the date of the person's application; and

(f) Meet any other requirements prescribed by regulation pursuant to this section.

4. An application submitted pursuant to subsection 3 must contain:

(a) The name of the applicant;

(b) A description of the qualified historic building for which the applicant will undertake a qualified rehabilitation;

(c) A summary of the budgeted expenditures for the qualified rehabilitation;

(d) A summary of the eligible costs and expenses; and

(e) Any other information required by regulations adopted ~~by the Office~~ pursuant to ~~subsection~~ subsections 8 ~~f~~ and 9.

5. If the ~~Office~~ Department approves an application for a certificate of eligibility for transferable tax credits pursuant to this section, the ~~Office~~ Department shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to section 8 of this act, to:

(a) The applicant; and

(b) ~~The Department; and~~

~~(c)~~ The Nevada Gaming Control Board.

6. Within 60 business days after receipt of the certification and the report and documentation provided pursuant to paragraph ~~(e)~~ (d) of subsection 3 and any other accountings or other information required by the ~~Office~~ Department, the ~~Office~~ Department shall make a final determination of whether a certificate of transferable tax credits will be issued. If the ~~Office~~ Department determines that all other requirements for the transferable tax credits have been met, the ~~Office~~ Department shall notify the applicant that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the applicant shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the ~~Office~~ Department shall issue to the applicant a certificate of transferable tax credits in the amount approved by the ~~Office~~ Department for the fees or taxes included in the declaration of the applicant. The applicant shall notify the ~~Office~~ Department upon transferring any of the transferable tax credits. The ~~Office~~ Department shall notify the ~~Department and the~~ Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subsection 1, the amount of any transferable tax credits transferred and the person or entity to whom the tax credits were transferred.

7. An applicant for transferable tax credits pursuant to this section shall, upon request of ~~the~~ :

(a) The Administrator of the Office, furnish the Administrator with copies of all records necessary to verify that the building for which the applicant will undertake a qualified rehabilitation is a qualified historic building and the rehabilitation of the qualified historic building is a qualified rehabilitation; and

(b) The Department, furnish the Department with copies of all records necessary to verify that the applicant meets the requirements of subsection 3.

8. The Office:

(a) Shall adopt regulations prescribing ~~for~~ any information that must be provided to the Office to enable the Office to determine whether the building for which the applicant will undertake a qualified rehabilitation is a qualified historic building and the rehabilitation of the qualified historic building is a qualified rehabilitation; and

(b) May adopt any other regulations that are necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

9. The Nevada Tax Commission:

(a) Shall adopt regulations prescribing:

(1) Any additional requirements to receive transferable tax credits;

(2) Any additional information that must be included with an application;

(3) The application review process; and

(4) The requirements for notice pursuant to section 10 of this act; and

(b) May adopt any other regulations that are necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

~~9. 10.~~ The Nevada Tax Commission and the Nevada Gaming Commission:

(a) Shall adopt regulations prescribing the manner in which the transferable tax credits will be administered.

(b) May adopt any other regulations that are necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 8. 1. Except as otherwise provided in ~~subsection 2~~ this section and section 9 of this act, the amount of transferable tax credits issued to a person who applies for a transferable tax credit pursuant to section 7 of this act must equal 20 percent of the eligible costs and expenses incurred by the person for a qualified rehabilitation but must not exceed ~~(\$3,000,000)~~ \$1,000,000 per qualified rehabilitation.

2. Except as otherwise provided in this section and section 9 of this act, the amount of transferable tax credits issued to a person who applies for a transferable tax credit pursuant to section 7 of this act and who undertakes a qualified rehabilitation of qualified historic building that provides affordable housing must equal 30 percent of the eligible costs and expenses incurred by the person for a qualified rehabilitation but must not exceed \$1,000,000 per qualified rehabilitation.

3. Except as otherwise provided in this section and section 9 of this act, the amount of transferable tax credits issued to a person who applies for a

transferrable tax credit pursuant to section 7 of this act and who undertakes a qualified rehabilitation of a qualified historic building that is part of a local Main Street program designated by the Nevada Main Street Program pursuant to NRS 231.1534 or is part 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 must equal 25 percent of the eligible costs and expenses incurred by the person for a qualified rehabilitation but must not exceed \$1,000,000 per qualified rehabilitation.

4. The Department shall not approve any application for transferrable tax credits submitted pursuant to section 7 of this act if approval of the application would cause the total amount of transferable tax credits approved pursuant to section 7 of this act for each fiscal year to exceed the sum of \$10,000,000. Any portion of the \$10,000,000 per fiscal year for which transferable tax credits have not previously been approved may be carried forward and made available for approval during the next or any future fiscal year, in addition to the \$10,000,000 for that fiscal year.

5. The ~~Office~~ Department may:

(a) Reduce the cumulative amount of transferable tax credits that are calculated pursuant to this section by an amount equal to any damages incurred by the State or any political subdivision of the State as a result of the qualified rehabilitation; or

(b) Withhold the transferable tax credits, in whole or in part, until any pending legal action in this State against the applicant or involving the qualified rehabilitation is resolved.

Sec. 9. The transferable tax credits issued to any applicant for a qualified rehabilitation pursuant to section 7 of this act expire 5 years after the date on which the transferable tax credits are issued.

Sec. 10. 1. If the ~~Office~~ Department receives an application for transferable tax credits pursuant to section 7 of this act, the ~~Office~~ Department shall, not later than 10 days before a hearing on the application, provide notice of the hearing to:

- (a) The applicant;
- (b) The ~~Department~~ Office; and
- (c) The Nevada Gaming Control Board.

2. The notice required by this section must set forth the date, time and location of the hearing on the application. The date of the hearing must be not later than 60 days after the ~~Office~~ Department receives the completed application.

3. The ~~Office~~ Department shall issue a decision on the application not later than 30 days after the conclusion of the hearing on the application.

4. Except as otherwise provided in this subsection, if the application is approved, the qualified rehabilitation must begin not more than 90 days after the date on which the decision on the application is issued. The ~~Office~~

Department may extend by not more than 90 days the period otherwise prescribed by this subsection.

5. An applicant that undertakes a qualified rehabilitation shall submit the report and documentation required by section 7 of this act and all other required information to the Office ~~and~~ or the Department, as applicable, within the time required by paragraph ~~(c)~~ (d) of subsection 3 of section 7 of this act. If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the applicant shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.

6. The ~~Office~~ Department shall give priority to the approval and processing of an application relating to a qualified rehabilitation that promotes tourism in the State of Nevada.

Sec. 11. 1. A person who applied for a transferable tax credit pursuant to section 7 of this act who is found to have submitted any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits or who otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to section 7 of this act shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the applicant is not entitled.

2. Transferable tax credits purchased in good faith are not subject to forfeiture or repayment by the transferee unless the transferee submitted fraudulent information in connection with the purchase.

Sec. 12. The ~~Office~~ Department shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:

1. The number of applications submitted for transferable tax credits pursuant to section 7 of this act;

2. The number of qualified rehabilitations for which transferable tax credits were approved;

3. The amount of transferable tax credits approved;

4. The amount of transferable tax credits used;

5. The amount of transferable tax credits transferred and the person or entity to whom the tax credits were transferred;

6. The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified rehabilitation;

7. The total amount of the eligible costs and expenses incurred by each qualified rehabilitation;

8. The number of persons in Nevada employed by each qualified rehabilitation and the amount of wages paid to those persons; and

9. The period during which each qualified rehabilitation employed persons in Nevada.

Sec. 13. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act that adds or revises a requirement to submit a report to the Legislature.

Sec. 14. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2019, for all other purposes.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 185.

Bill read second time.

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

Amendment No. 503.

SUMMARY—~~Revises provisions relating to insurance coverage of prescription drugs.~~ **Providing for a study concerning certain health benefits.** (BDR ~~157-277~~) **S-277**

AN ACT relating to health insurance; requiring **the Board of the Public Employees' Benefits Program to conduct a study of the impact of using Medicare-based pricing for the health benefits of public employees; an insurer to allow an insured to credit the amount paid for a prescription drug under certain circumstances toward any applicable deductible;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires an insurer, other than a health benefit plan for public employees, that provides coverage for prescription drugs to provide an insured with certain information concerning prescription drug coverage. (NRS 689A.405, 689B.0283, 689C.281, 689C.455, 695A.255, 695B.176, 695C.1703, 695F.153, 695G.163)~~ This bill requires **that during the 2019-2021 interim, an insurer, including a, the Board of the Public Employees' Benefit Program conduct a study of establishing Medicare-based pricing for the health benefit plan for public employees. The study must include, without limitation, consideration of the coverage and pricing of prescription drugs by Medicare and whether establishing Medicare-based pricing is beneficial to employees of this State. The Board shall report its findings and any recommendations to the Legislature on or before January 1, 2021.** ~~to allow an insured to credit the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug.~~

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

Section 1. ~~NRS 689A.405 is hereby amended to read as follows:~~

~~689A.405 1. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If an insurer offers or issues a policy of health insurance which provides coverage for prescription drugs and a formulary is used, the insurer shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary;~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available;~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition;~~

~~(c) During each period for open enrollment, publish on an Internet website that is operated by the insurer and accessible to the public or include in any enrollment materials distributed by the insurer a notice of all prescription drugs that:~~

~~(1) Are included on the most recent list of drugs that are essential for treating diabetes in this State compiled by the Department of Health and Human Services pursuant to subsection 1 of NRS 439B.630; and~~

~~(2) Have been removed or will be removed from the formulary during the current plan year or the next plan year;~~

~~(d) Update the notice required by paragraph (c) throughout the period for open enrollment.~~

~~3. An insurer that offers or issues a policy of health insurance which provides coverage for prescription drugs shall allow an insured to credit toward any applicable deductible the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug.] (Deleted by amendment.)~~

Sec. 2. ~~NRS 689B.0283 is hereby amended to read as follows:~~

~~689B.0283 1. An insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If an insurer offers or issues a policy of group health insurance which provides coverage for prescription drugs and a formulary is used, the insurer shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary;~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~3. An insurer that offers or issues a policy of group health insurance which provides coverage for prescription drugs shall allow an insured to credit toward any applicable deductible the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug.] (Deleted by amendment.)~~

Sec. 3. ~~¶NRS 689C.281 is hereby amended to read as follows:~~

~~689C.281 1. A carrier that offers or issues a health benefit plan which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the carrier pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the carrier for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If a carrier offers or issues a health benefit plan which provides coverage for prescription drugs and a formulary is used, the carrier shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary.~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the carrier shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~3. A carrier that offers or issues a health benefit plan which provides coverage for prescription drugs shall allow an insured to credit toward any applicable deductible the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug. (Deleted by amendment.)~~

Sec. 4. ~~¶NRS 689C.455 is hereby amended to read as follows:~~

~~689C.455 1. A carrier that offers or issues a contract which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the carrier pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the carrier for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If a carrier offers or issues a contract which provides coverage for prescription drugs and a formulary is used, the carrier shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary.~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the carrier shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~3. A carrier that offers or issues a contract which provides coverage for prescription drugs shall allow an insured to credit toward any applicable deductible the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug. (Deleted by amendment.)~~

Sec. 5. ~~NRS 695A.255 is hereby amended to read as follows:~~

~~695A.255 1. A society that offers or issues a benefit contract which provides coverage for prescription drugs shall include with any certificate for such a contract provided to a benefit member, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the society pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the society for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If a society offers or issues a benefit contract which provides coverage for prescription drugs and a formulary is used, the society shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary.~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the society shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~3. A society that offers or issues a benefit contract which provides coverage for prescription drugs shall allow an insured to credit toward any applicable deductible the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug. (Deleted by amendment.)~~

Sec. 6. NRS 695B.176 is hereby amended to read as follows:

~~695B.176 1. An insurer that offers or issues a contract for hospital or medical services which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the insurer pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the insurer for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If an insurer offers or issues a contract for hospital or medical services which provides coverage for prescription drugs and a formulary is used, the insurer shall:~~

~~(a) Provide to any insured or participating provider of health care, upon request:~~

~~— (1) Information regarding whether a specific drug is included in the formulary.~~

~~— (2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the insurer shall notify the requester that a choice of formulary lists is available.~~

~~— (b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~— 3. An insurer that offers or issues a contract for hospital or medical services which provides coverage for prescription drugs shall allow an insured to credit toward any applicable deductible the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug. (Deleted by amendment.)~~

Sec. 7. [NRS 695C.1703 is hereby amended to read as follows:

~~— 695C.1703 — 1. A health maintenance organization or insurer that offers or issues evidence of coverage which provides coverage for prescription drugs shall include with any evidence of that coverage provided to an enrollee, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the organization or insurer pursuant to subsection 2. The notice required by this subsection must:~~

~~— (a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~— (b) Include an explanation of what a formulary is; and~~

~~— (c) If a formulary is used, include:~~

~~— (1) An explanation of:~~

~~— (I) How often the contents of the formulary are reviewed; and~~

~~— (II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~— (2) The telephone number of the organization or insurer for making a request for information regarding the formulary pursuant to subsection 2.~~

~~— 2. If a health maintenance organization or insurer offers or issues evidence of coverage which provides coverage for prescription drugs and a formulary is used, the organization or insurer shall:~~

~~— (a) Provide to any enrollee or participating provider of health care upon request:~~

~~— (1) Information regarding whether a specific drug is included in the formulary.~~

~~— (2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the organization or insurer shall notify the requester that a choice of formulary lists is available.~~

~~(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~3. A health maintenance organization or insurer that offers or issues evidence of coverage which provides coverage for prescription drugs shall allow an enrollee to credit toward any applicable deductible the amount paid by the enrollee for a covered prescription drug for which the enrollee paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug. Notwithstanding the provisions of NRS 695C.050, the provisions of this subsection apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid and insurance pursuant to the Children's Health Insurance Program.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 695F.153 is hereby amended to read as follows:~~

~~695F.153 1. A prepaid limited health service organization that offers or issues evidence of coverage which provides coverage for prescription drugs shall include with any evidence of that coverage provided to a subscriber, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the organization pursuant to subsection 2. The notice required by this subsection must:~~

~~(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~(b) Include an explanation of what a formulary is; and~~

~~(c) If a formulary is used, include:~~

~~(1) An explanation of:~~

~~(I) How often the contents of the formulary are reviewed; and~~

~~(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~(2) The telephone number of the organization for making a request for information regarding the formulary pursuant to subsection 2.~~

~~2. If a prepaid limited health service organization offers or issues evidence of coverage which provides coverage for prescription drugs and a formulary is used, the organization shall:~~

~~(a) Provide to any enrollee or participating provider of health care, upon request:~~

~~(1) Information regarding whether a specific drug is included in the formulary.~~

~~(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the organization shall notify the requester that a choice of formulary lists is available.~~

~~—(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~—3. *A prepaid limited health service organization that offers or issues evidence of coverage which provides coverage for prescription drugs shall allow an enrollee to credit toward any applicable deductible the amount paid by the enrollee for a covered prescription drug for which the enrollee paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug.* (Deleted by amendment.)~~

Sec. 9. ~~NRS 695G.163~~ is hereby amended to read as follows:

~~—695G.163 1. A managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall include with any summary, certificate or evidence of that coverage provided to an insured, notice of whether a formulary is used and, if so, of the opportunity to secure information regarding the formulary from the organization pursuant to subsection 2. The notice required by this subsection must:~~

~~—(a) Be in a language that is easily understood and in a format that is easy to understand;~~

~~—(b) Include an explanation of what a formulary is; and~~

~~—(c) If a formulary is used, include:~~

~~—(1) An explanation of:~~

~~—(I) How often the contents of the formulary are reviewed; and~~

~~—(II) The procedure and criteria for determining which prescription drugs are included in and excluded from the formulary; and~~

~~—(2) The telephone number of the organization for making a request for information regarding the formulary pursuant to subsection 2.~~

~~—2. If a managed care organization offers or issues a health care plan which provides coverage for prescription drugs and a formulary is used, the organization shall:~~

~~—(a) Provide to any insured or participating provider of health care, upon request:~~

~~—(1) Information regarding whether a specific drug is included in the formulary.~~

~~—(2) Access to the most current list of prescription drugs in the formulary, organized by major therapeutic category, with an indication of whether any listed drugs are preferred over other listed drugs. If more than one formulary is maintained, the organization shall notify the requester that a choice of formulary lists is available.~~

~~—(b) Notify each person who requests information regarding the formulary, that the inclusion of a drug in the formulary does not guarantee that a provider of health care will prescribe that drug for a particular medical condition.~~

~~—3. *A managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall allow an insured to credit toward any applicable deductible the amount paid by the insured for*~~

~~a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug.] (Deleted by amendment.)~~

Sec. 10. [Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

~~—If the governing body of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada establishes coverage for prescription drugs pursuant to NRS 287.010 or 287.015 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, such coverage must allow an insured to credit toward any applicable deductible the amount paid by the insured for a covered prescription drug for which the insured paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug.] (Deleted by amendment.)~~

Sec. 11. [NRS 287.043 is hereby amended to read as follows:

~~287.043 1. The Board shall:~~

~~(a) Establish and carry out a program to be known as the Public Employees' Benefits Program which:~~

~~(1) Must include a program relating to group life, accident or health insurance, or any combination of these; and~~

~~(2) May include:~~

~~(I) A plan that offers flexibility in benefits, and for which the rates must be based only on the experience of the participants in the plan and not in combination with the experience of participants in any other plan offered under the Program; or~~

~~(II) A program to reduce taxable compensation or other forms of compensation other than deferred compensation, for the benefit of all state officers and employees and other persons who participate in the Program.~~

~~(b) Ensure that the Program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.~~

~~2. In establishing and carrying out the Program, the Board shall:~~

~~(a) For the purpose of establishing actuarial data to determine rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.~~

~~(b) Except as otherwise provided in this paragraph, negotiate and contract pursuant to paragraph (a) of subsection 1 of NRS 287.025 with the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that wishes to obtain exclusive group insurance for all of its active and retired officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph (h), by participation in the Program. The Board shall establish separate rates and~~

~~coverage for active and retired officers and employees of those local governmental agencies and their dependents based on actuarial reports that commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.~~

~~—(e) Except as otherwise provided in paragraph (d), provide public notice in writing of any proposed changes in rates or coverage to each participating public agency that may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.~~

~~—(d) If a proposed change is a change in the premium or contribution charged for, or coverage of, health insurance, provide written notice of the proposed change to all participants in the Program. The notice must be provided at least 30 days before the date on which a participant in the Program is required to select or change the participant's policy of health insurance.~~

~~—(e) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this State or provide similar coverage through a plan of self insurance established pursuant to NRS 287.0433 for the benefit of all eligible participants in the Program.~~

~~—(f) Except as otherwise provided in this title, develop and establish other employee benefits as necessary.~~

~~—(g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.~~

~~—(h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.010 to 287.245, inclusive, **and section 10 of this act**, including, without limitation, the establishment of:~~

~~—(1) Fees for applications for participation in the Program and for the late payment of premiums or contributions;~~

~~—(2) Conditions for entry and reentry into and exit from the Program by local governmental agencies pursuant to paragraph (a) of subsection 1 of NRS 287.025, which:~~

~~—(I) Must include a minimum period of 4 years of participation for entry into the Program;~~

~~—(II) Must include a requirement that participation of any retired officers and employees of the local governmental agency whose last continuous period of enrollment with the Program began after November 30, 2008, terminates upon termination of the local governmental agency's contract with the Program; and~~

~~—(III) May allow for the exclusion of active and retired officers and employees of the local governmental agency who are eligible for health coverage from a health and welfare plan or trust that arose out of collective bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186;~~

~~—(3) Procedures by which a group of participants in the Program may leave the Program pursuant to NRS 287.0479 and conditions and procedures for reentry into the Program by those participants;~~

~~—(4) Specific procedures for the determination of contested claims;~~

~~—(5) Procedures for review and notification of the termination of coverage of persons pursuant to paragraph (b) of subsection 4 of NRS 287.023; and~~

~~—(6) Procedures for the payments that are required to be made pursuant to paragraph (b) of subsection 4 of NRS 287.023.~~

~~—3. The Board may use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration to establish and carry out the Program.~~

~~—4. The Board may engage the services of an attorney who specializes in health plans and health care law as necessary to assist in carrying out the Program.~~

~~—5. The Board may make recommendations to the Legislature concerning legislation that it deems necessary and appropriate regarding the Program.~~

~~—6. A participating public agency is not liable for any obligation of the Program other than indemnification of the Board and its employees against liability relating to the administration of the Program, subject to the limitations specified in NRS 41.0349.~~

~~—7. *If the Board purchases or provides coverage for prescription drugs pursuant to paragraph (c) of subsection 2, such coverage must allow a participant in the Program to credit toward any applicable deductible the amount paid by the participant for a covered prescription drug for which the participant paid the cash price instead of using the coverage and paying the deductible, copayment or coinsurance required for the prescription drug.*~~

~~—8. As used in this section, “employee benefits” includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS. **(Deleted by amendment.)**~~

~~Sec. 12. **[The amendatory provisions of this act do not apply to a contract entered into before January 1, 2020, to provide coverage for prescription drugs, but apply to any extension or renewal thereof.] (Deleted by amendment.)**~~

~~Sec. 13. **[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)**~~

Sec. 13.5. 1. The Board of the Public Employees’ Benefits Program shall conduct a study during the 2019-2021 interim concerning establishing pricing for the health benefits of public employees that is based on pricing for Medicare benefits.

2. The study must include, without limitation, consideration of the coverage and pricing of prescription drugs by Medicare and whether establishing Medicare-based pricing is beneficial for the employees of this State.

3. The Board shall utilize the staff of the Program to conduct the study.

4. On or before January 1, 2021, the Board shall submit a report of its findings and any recommendations to:

(a) The Office of Finance in the Office of the Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevad Legislature.

Sec. 14. This act becomes effective, ~~1-~~

~~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.]~~ **on July 1, 2019.**

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time.

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

Amendment No. 233.

ASSEMBLYMEN DALY, MCCURDY, CARRILLO, FUMO, FLORES; ASSEFA, BACKUS, BENITEZ-THOMPSON, BILBRAY-AXELROD, CARLTON, COHEN, DURAN, FRIERSON, GORELOW, JAUREGUI, MARTINEZ, MILLER, MONROE-MORENO, MUNK, **NEAL**, NGUYEN, PETERS, **SMITH**, SPIEGEL, SPRINKLE, SWANK, THOMPSON, TORRES, WATTS AND YEAGER

JOINT SPONSORS: SENATORS PARKS, OHRENSCHALL, CANCELA; AND DENIS

AN ACT relating to construction; revising the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge his or her obligation to pay prevailing wages to workers; revising provisions relating to the determination of the prevailing wages by the Labor Commissioner and the duration of such rates on a public work; ~~decreasing the minimum threshold for the applicability of the prevailing wage requirements; eliminating the exemption for charter schools from the requirement to pay prevailing wages on their public works;] **prohibiting a public body from using a reverse auction when awarding a contract for public work;** clarifying the application of prevailing wage requirements to certain construction projects that are not public works; eliminating certain prohibitions relating to agreements with labor organizations concerning contracts with a public body for a public work or with an awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring, with certain exceptions, the payment of prevailing wages for public works projects. (NRS 338.010-338.090) Under existing law, a contractor or subcontractor engaged on a public work is authorized to discharge his or her obligation to pay prevailing wages to workers in part by making certain contributions in the name of the worker. (NRS 338.035) **Section 5** of this bill sets forth the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker. Those requirements include, among other things, that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. **Section 1** of this bill defines "bona fide fringe benefits" to mean a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program: (1) which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and (2) for which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program. **Sections 2 and 8** of this bill makes conforming changes.

Section 5 requires the Labor Commissioner, after providing notice and an opportunity for a hearing, to: (1) impose an administrative penalty against a contractor or subcontractor who discharges any part of his or her obligation to pay prevailing wages in an unauthorized manner; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits; (3) report the violation to the Attorney General; and (4) notify certain entities of the violation. **Section 5 provides that the amount of the penalty to be imposed against a contractor or subcontractor who discharges any part of his or her obligation to pay prevailing wages in an unauthorized manner must be based on the sliding scale adopted by regulation of the Labor Commissioner for certain other administrative penalties. Section 5 also authorizes the Labor Commissioner to recover the costs of the proceeding if a penalty is imposed against such a contractor or subcontractor.** Existing law provides that if an administrative penalty is imposed against a person for an offense concerning public works: (1) the person and any corporate officer of the person are prohibited from receiving a contract for a public work for specified periods depending on the number of offenses; and (2) the Labor Commissioner is required to notify the State Contractors' Board with regard to each contractor who is prohibited from being awarded such a contract. (NRS 338.010, 338.017) **Section 1** of this bill makes a violation of **section 5** an "offense" for that purpose. **Sections 2, 3, 6 and 9** of this bill make conforming changes.

Existing law requires the Labor Commissioner to determine the prevailing wage in a county for each craft or type of work. (NRS 338.030) Existing regulations prescribe the manner in which the Labor Commissioner must determine the prevailing wage for a recognized class of workers. Existing regulations additionally authorize the Labor Commissioner to adjust the prevailing rate of wages for a recognized class of workers in accordance with wage and benefit adjustments and classifications of workers in a collective bargaining agreement if the Labor Commissioner determines that the prevailing rate of wages for a recognized class of workers is a wage which has been collectively bargained. (NAC 338.010) If the Labor Commissioner determines that the prevailing rate of wages for a recognized class of workers is a wage which has been collectively bargained, **section 4** of this bill requires the Labor Commissioner to: (1) include in his or her determination of that prevailing wage any compensation in addition to the basic hourly wage or benefit for the craft or type of work required to be paid by the collective bargaining agreement; and (2) amend the determination of the prevailing wage for the craft or type of work in response to an increase in the wage prescribed in the collective bargaining agreement that occurs before the next annual determination of that prevailing wage by the Labor Commissioner.

Existing regulations require the prevailing rates of wages in effect at the time of the opening of bids of a contract to remain in effect for the duration of the project for which a contract has been awarded. (NAC 338.040) Existing regulations similarly address this requirement when the contract for the public work is entered into without opening bids. (NAC 338.065) **Section 4** codifies these requirements in statute, but limits the duration of the requirements to the 36 months immediately following the date on which the bids were opened or, if the contract was not awarded pursuant to a competitive bidding process, to the 36 months immediately following the date on which the contractor was selected or the contract was entered into. Additionally, **section 4** provides that if a contract for a public work is not completed or terminated within 36 months and the prevailing wages in effect on the last day of the 36-month period are lower than the prevailing wages paid during the 36-month period under the contract, the prevailing wages paid during that 36-month period must be paid for the immediately following 36 months.

~~[- School districts and the Nevada System of Higher Education are required under existing law to pay on their public works and certain other construction projects 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies. (NRS 338.030) Section 4 of this bill eliminates this exception and therefore requires school districts and the Nevada System of Higher Education to pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay.~~

~~Under existing law, with certain exceptions, the prevailing wage in a county for each craft or type of work, as determined by the Labor Commissioner, is required to be paid on a project in the county involving new construction.~~

~~repair or reconstruction that is financed in whole or in part with public money and for which the estimated cost is \$250,000 or more. (NRS 338.010, 338.020-338.080) Section 7 of this bill decreases the minimum threshold for the applicability of the prevailing wage requirements from \$250,000 to \$100,000. Sections 3, 6 and 16 of this bill make conforming changes.~~

~~Under existing law, charter schools are exempt from the requirement to pay prevailing wage rates on their public works and certain other construction projects. (NRS 338.080) Section 7 eliminates this exemption and therefore requires charter schools to pay prevailing wage rates on their public works and other construction projects.~~

Existing law prescribes general procedures for awarding a contract for public work. (Chapter 338 of NRS) Section 8.5 of this bill prohibits a public body from using a reverse auction, in which a bidder may submit more than one bid if each subsequent response to online bidding is at a lower price, when awarding a contract for public work.

Existing law makes the prevailing wage requirements applicable to certain construction projects that are not public works. (NRS 244A.058, 244A.763, 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 332.390, 333A.120, 349.670, 349.956, 388A.635, 408.3886, 543.545, 701B.265, 701B.625; Reno-Tahoe Airport Authority Act § 9.5) **Sections 10-28** of this bill clarify that those prevailing wage requirements apply in the same manner as if the applicable public body had undertaken the project or awarded the contract.

Existing law, with certain exceptions, prohibits a public body from: (1) requiring or prohibiting a bidder, contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work; or (2) discriminating against a bidder, contractor or subcontractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. Existing law further prohibits a public body, with certain exceptions, from awarding a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include in a contract for a project that is the subject of the grant, tax abatement, tax credit or tax exemption a term that: (1) requires or prohibits a bidder, contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to the project; or (2) discriminates against a bidder, contractor or subcontractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the project. (NRS 338.1405) **Section 31** of this bill eliminates these prohibitions.

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

Section 1. NRS 338.010 is hereby amended to read as follows:
338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. ***“Bona fide fringe benefit” means a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program:***

(a) Which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and

(b) For which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program.

↪ The term includes, without limitation, benefits for a worker that are determined pursuant to a collective bargaining agreement and included in the determination of the prevailing wage by the Labor Commissioner pursuant to NRS 338.030.

3. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

~~3-1~~ 4. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

~~4-1~~ 5. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

~~5-1~~ 6. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

~~6-1~~ 7. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

~~7-1~~ 8. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

~~18.1~~ **9.** “Division” means the State Public Works Division of the Department of Administration.

~~19.1~~ **10.** “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~110.1~~ **11.** “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~111.1~~ **12.** “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~112.1~~ **13.** “Horizontal construction” means the construction of any fixed work, including any irrigation, drainage, water supply, flood control, harbor, railroad, highway, tunnel, airport or airway, sewer, sewage disposal plant or water treatment facility and any ancillary vertical components thereof, bridge, inland waterway, pipeline for the transmission of petroleum or any other liquid or gaseous substance, pier, and work incidental thereto. The term does not include vertical construction, the construction of any terminal or other building of an airport or airway, or the construction of any other building.

~~113.1~~ **14.** “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~114.1~~ **15.** “Offense” means ~~failing to~~ :

(a) *Failing to*:

- ~~1(a)~~ (1) Pay the prevailing wage required pursuant to this chapter;
- ~~1(b)~~ (2) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;
- ~~1(c)~~ (3) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or
- ~~1(d)~~ (4) Comply with subsection 5 or 6 of NRS 338.070.
- ~~15.1~~ (b) *Discharging an obligation to pay wages in a manner that violates the provisions of NRS 338.035.*

16. “Prime contractor” means a contractor who:

- (a) Contracts to construct an entire project;
- (b) Coordinates all work performed on the entire project;
- (c) Uses his or her own workforce to perform all or a part of the public work; and
- (d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➔ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~16.1~~ **17.** “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~17.1~~ **18.** “Public work” means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

- (a) Public buildings;
- (b) Jails and prisons;
- (c) Public roads;
- (d) Public highways;
- (e) Public streets and alleys;
- (f) Public utilities;
- (g) Publicly owned water mains and sewers;
- (h) Public parks and playgrounds;
- (i) Public convention facilities which are financed at least in part with public money; and
- (j) All other publicly owned works and property.

~~18.1~~ **19.** “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~19.1~~ **20.** “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

- (a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and
- (b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↳ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~120.1~~ **21.** “Subcontract” means a written contract entered into between:

- (a) A contractor and a subcontractor or supplier; or
- (b) A subcontractor and another subcontractor or supplier,

↳ for the provision of labor, materials, equipment or supplies for a construction project.

~~121.1~~ **22.** “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~122.1~~ **23.** “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~123.1~~ **24.** “Vertical construction” means the construction or remodeling of any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, and any improvement appurtenant thereto.

~~124.1~~ **25.** “Wages” means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training ~~for other similar programs~~ or other bona fide fringe benefits which are a benefit to the worker.

~~125.1~~ **26.** “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive.

2. ~~126.1~~ **Except as otherwise provided in NRS 338.035 and in** addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than \$5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 3. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$250,000 ~~100,000~~ even if the construction work does not qualify as a public work, as defined in ~~subsection 17 of~~ NRS 338.010.

Sec. 4. NRS 338.030 is hereby amended to read as follows:

338.030 1. The public body awarding any contract for public work, or otherwise undertaking any public work, shall ascertain from the Labor Commissioner the prevailing wage in the county in which the public work is to be performed for each craft or type of work.

2. The prevailing wage in each county, including Carson City, must be established as follows:

(a) The Labor Commissioner shall, annually, survey contractors who have performed work in the county.

(b) Based on the survey conducted pursuant to paragraph (a), where the rate of wages is the same for more than 50 percent of the total hours worked by each craft or type of work in that county on construction similar to the proposed construction, that rate will be determined as the prevailing wage.

(c) Where no such rate can be determined, the prevailing wage for a craft or type of work will be determined as the average rate of wages paid per hour based on the number of hours worked per rate, to that craft or type of work.

(d) The Labor Commissioner shall determine the prevailing wage to be 90 percent of the rate determined pursuant to paragraphs (a), (b) and (c) for:

(1) Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a school district or the Nevada System of Higher Education is a party; and

(2) A public work of, or constructed by, a school district or the Nevada System of Higher Education, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a school district or the Nevada System of Higher Education.

3. Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection 6 to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

4. The Labor Commissioner shall hold a hearing in the locality in which the work is to be executed if the Labor Commissioner:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection 3.

↪ The Labor Commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

5. Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

6. At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the Labor Commissioner shall determine the prevailing wage.

7. *If the Labor Commissioner determines pursuant to subsection 2 that the prevailing wage for a craft or type of work is a wage that has been collectively bargained, the Labor Commissioner shall:*

(a) Include in his or her determination of that prevailing wage any compensation in addition to the basic hourly wage or benefit for the craft or type of work required to be provided by the collective bargaining agreement, including, without limitation, premium pay for hours worked in excess of a shift of 8 hours or 12 hours or such other time increment set forth in the agreement or on a weekend or holiday and zone pay. As used in this paragraph, "zone pay" means additional pay for performing work at a work site that is located in a zone established in a collective bargaining agreement.

(b) Issue an amendment to the determination of the prevailing wage for the craft or type of work if the collective bargaining agreement provides for an increase in the wage before the next determination of that prevailing wage by the Labor Commissioner pursuant to subsection 2.

8. The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

~~18.1~~ 9. *If the contract for a public work:*

(a) Is to be awarded pursuant to a competitive bidding process, the prevailing wages in effect at the time of the opening of the bids for a contract for a public work must be paid until the completion or termination of the contract or for the 36 months immediately following the date on which the bids were opened, whichever is earlier.

(b) Is not to be awarded pursuant to a competitive bidding process, except as otherwise provided in this paragraph, the prevailing rate of wages in effect on the date on which the contractor for the contract is selected by the awarding body must be paid until the completion or termination of the contract or for the 36 months immediately following the date on which the contractor was selected, whichever is earlier. If the contract is not entered into within 90 days after the date of the selection of the contractor, the prevailing rates of wages in effect on the date on which the contract is entered into must be paid until the completion or termination of the contract or for the 36 months immediately following the date on which the contract was entered into, whichever is earlier.

10. If a contract for a public work is not completed or terminated within 36 months immediately following the date on which the bids were opened pursuant to paragraph (a) of subsection 9, within 36 months immediately following the date on which the contractor was selected, within 36 months immediately following the date the contract was entered into pursuant to paragraph (b) of subsection 9 or for any 36-month period thereafter until the contract is completed or terminated:

(a) Except as otherwise provided in paragraph (b), the prevailing wages in effect on the last day of the 36-month period must be paid for the immediately following 36 months.

(b) If the prevailing wages in effect on the last day of the 36-month period are lower than the prevailing wages paid during that 36-month period under the contract, the prevailing wages paid during that 36-month period must be paid for the immediately following 36 months.

11. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 5. NRS 338.035 is hereby amended to read as follows:

338.035 ~~The~~

1. Except as otherwise provided in subsection ~~5~~ 7, the obligation of a contractor engaged on a public work or a subcontractor engaged on a public work to pay wages in accordance with the determination of the Labor Commissioner may be discharged in part by ~~making contributions to a third person pursuant to a fund, plan or program~~ **providing bona fide fringe benefits** in the name of the worker.

2. A contractor or subcontractor may, pursuant to subsection 1, discharge any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner only to the extent that the bona fide fringe benefits provided in the name of the worker are annualized.

3. A contractor or subcontractor who, pursuant to subsection 1, discharges any part of his or her obligation to pay wages in accordance with the determination of the Labor Commissioner shall provide to the Labor Commissioner and the public body that awarded the contract for the public work any information requested by the Labor Commissioner or the public body, as applicable, to verify compliance with this section.

4. In addition to any other remedy or penalty provided in this chapter, after providing the contractor or subcontractor with notice and an opportunity for a hearing, the Labor Commissioner shall, if the Labor Commissioner finds that the contractor or subcontractor has violated a provision of this section:

(a) For the first violation, impose against the contractor or subcontractor an administrative penalty of not less than \$20 nor more than \$50 for each calendar day or portion thereof that each worker employed on the public

work is affected by the violation, up to a maximum of \$2,500; ~~for more than \$5,000;~~

(b) For the second or any subsequent violation within 5 years after the date of imposition of an administrative penalty pursuant to paragraph (a), impose against the contractor or subcontractor an administrative penalty of not less \$20 nor more than \$50 for each calendar day or portion thereof that each worker employed on the public work is affected by the violation, up to a maximum of \$5,000;

(c) Require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits in a manner prescribed by the Labor Commissioner;

(d) Report the violation to the Attorney General, and the Attorney General may prosecute the contractor or subcontractor in accordance with law; and

(e) In addition to notifying the State Contractors' Board pursuant to NRS 338.017, notify the provider of workers' compensation for the contractor or subcontractor, the Employment Security Division of the Department of Employment, Training and Rehabilitation and the public body that awarded the contract for the public work of the violation.

5. The amount of the penalty to be imposed pursuant to subsection 4 must be based on the sliding scale adopted by regulation pursuant to NRS 338.060.

6. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Labor Commissioner.

7. The provisions of this section do not apply with regard to:

(a) A worker whose benefits are determined pursuant to a collective bargaining agreement; or

(b) Contributions made in the name of the worker by a contractor or subcontractor to a defined contribution plan to the extent that the amount contributed does not exceed 25 percent of the hourly prevailing rate of wages ~~paid to~~ for the worker on the public work.

~~6.1~~ 8. As used in this section:

(a) "Annualized" means an amount paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor who is providing bona fide fringe benefits.

(b) "Defined contribution plan" has the meaning ascribed to it in 29 U.S.C. § 1002(34).

Sec. 6. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$250,000 ~~(\$100,000)~~ even if the construction work does not qualify as a public work, as defined in ~~subsection 17 of~~ NRS 338.010.

Sec. 7. ~~NRS 338.080 is hereby amended to read as follows:~~

~~338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:~~

~~1. Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.~~

~~2. Apprentices recorded under the provisions of chapter 610 of NRS.~~

~~3. Any contract for a public work whose cost is less than [\$250,000.] \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the cost of the project below [\$250,000.]~~

~~4. Any contract for a public work or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property to which a charter school is a party, notwithstanding any other provision of law.~~

~~5. A public work of, or constructed by, a charter school, or any other construction, alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a charter school, notwithstanding any other provision of law.] \$100,000.] (Deleted by amendment.)~~

Sec. 8. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection ~~4,~~ 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall , *except as otherwise provided in subsection 4*, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; and

(b) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. *The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor*

or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 8.5. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

- (a) NRS 338.1377 to 338.139, inclusive;
- (b) NRS 338.143 to 338.148, inclusive;
- (c) NRS 338.1685 to 338.16995, inclusive; or
- (d) NRS 338.1711 to 338.173, inclusive.

2. **A public body shall not use a reverse auction when awarding a contract for a public work.**

3. Except as otherwise provided in this subsection, subsection ~~4~~ **4** and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

~~3-4~~ **4.** To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

5. As used in this section:

(a) "Online bidding" has the meaning ascribed to it in NRS 332.047.

(b) "Reverse auction" means a process by which a bidder may submit more than one bid if each subsequent response to online bidding is at a lower price.

Sec. 9. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

- (1) The length of time necessary to commence the project.
- (2) The number of workers estimated to be employed on the project.

- (3) The effectiveness of the project in reducing energy consumption.
- (4) The estimated cost of the project.
- (5) Whether the project is able to be powered by or otherwise use sources of renewable energy.
- (6) Whether the project has qualified for participation in one or more of the following programs:
 - (I) The Solar Energy Systems Incentive Program created by NRS 701B.240;
 - (II) The Renewable Energy School Pilot Program created by NRS 701B.350;
 - (III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or
 - (IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) “Local government” means each city or county that meets the definition of “eligible unit of local government” as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in ~~subsection 13 of~~ NRS 338.010, that does not meet the definition of “eligible entity” as set forth in 42 U.S.C. § 17151.

(b) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

↪ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) “Retrofit” means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 10. NRS 244A.058 is hereby amended to read as follows:

244A.058 1. A board that has adopted an ordinance imposing a fee pursuant to NRS 244A.810 may, on behalf of the county and in its name:

(a) Acquire, lease, improve, equip, operate and maintain within the county a minor league baseball stadium project.

(b) Subject to the provisions of chapter 350 of NRS, issue revenue bonds of the county to acquire, lease, improve or equip, or any combination thereof, within the county a minor league baseball stadium project.

2. Bonds issued pursuant to this section must be payable from the proceeds of the fee imposed by the county pursuant to NRS 244A.810 and may be additionally secured by and payable from the gross or net revenues of the minor league baseball stadium project, including, without limitation, amounts received from any minor league baseball team pursuant to a contract with that team, fees, rates and charges for the use of the stadium by a minor league baseball team or any other uses of the stadium, and related uses, including, without limitation, parking and concessions, surcharges on tickets in an amount approved by the board, grants, whether conditional or unconditional, made for the payment of debt service or otherwise for the purposes of the minor league baseball stadium project, and any and all other sources of revenue attributable to the minor league baseball stadium project as provided by the board in the ordinance authorizing the issuance of bonds or any instrument supplemental or appertaining thereto.

3. The provisions of chapters 332, 338 and 339 of NRS do not apply to a contract entered into by a county and a private developer pursuant to which the private developer constructs a minor league baseball stadium project, except that the contract must include a provision stating that the requirements of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any construction work to be performed under the contract. ***The board, the private developer and any contractor and subcontractor on the minor league baseball stadium project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board had undertaken the minor league baseball stadium project or had awarded the contract.***

Sec. 11. NRS 244A.763 is hereby amended to read as follows:

244A.763 1. NRS 244A.669 to 244A.763, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 244A.669 to 244A.763, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 244A.669 to 244A.763, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or

jurisdiction over the doing of any of the acts authorized in those sections to be done, except:

(a) As otherwise provided in those sections.

(b) That a project for the generation and transmission of electricity is subject to review and approval by the state regulatory agencies which have jurisdiction of the matters involved, including, without limitation, the Public Utilities Commission of Nevada, the State Environmental Commission and the State Department of Conservation and Natural Resources.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 244A.669 to 244A.763, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the counties is not applicable to any action taken pursuant to NRS 244A.669 to 244A.763, inclusive, except that the provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the county for work to be done in a project. ***The board of county commissioners, the lessee, purchaser or obligor or designee thereof, any contractor who is awarded a contract or entered into an agreement to perform the construction, repair or reconstruction and any subcontractor who performs any portion of the construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board of county commissioners had undertaken the project or had awarded the contract.***

6. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 244A.669 to 244A.763, inclusive, without the necessity of associating with any other person or entity as cofiduciary except that such association is not prohibited.

7. The powers conferred by NRS 244A.669 to 244A.763, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

8. No part of NRS 244A.669 to 244A.763, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 12. NRS 268.568 is hereby amended to read as follows:

268.568 1. NRS 268.512 to 268.568, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers

granted in those sections, including, but not limited to, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 268.512 to 268.568, inclusive, to be done, including, without limitation, the charter of any city, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 268.512 to 268.568, inclusive, apply to the doing of the things authorized in NRS 268.512 to 268.568, inclusive, to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 268.512 to 268.568, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the cities is not applicable to any action taken pursuant to NRS 268.512 to 268.568, inclusive, except that the provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the city for work to be done in a project. ***The governing body, the lessee, purchaser or obligor or designee thereof, any contractor who is awarded a contract or enters into an agreement to perform the construction, repair or reconstruction in a project and any subcontractor who performs any portion of the construction, repair or reconstruction in a project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the project or had awarded the contract.***

6. Notwithstanding the provisions of NRS 662.245 or any other specific statute to the contrary, any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 268.512 to 268.568, inclusive, without meeting the qualifications set forth in NRS 662.245.

7. The powers conferred by NRS 268.512 to 268.568, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by, any other law.

8. No part of NRS 268.512 to 268.568, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 13. NRS 271.710 is hereby amended to read as follows:

271.710 1. A governing body may adopt an ordinance pursuant to NRS 271.325 creating a district and ordering a project to be acquired or improved and may contract with a person to construct or improve a project, issue bonds or otherwise finance the cost of the project and levy assessments, without complying with the provisions of NRS 271.305 to 271.320, inclusive, 271.330 to 271.345, inclusive, 271.380 and 271.385 and, except as otherwise provided in this section, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, chapters 332, 338 and 339 of NRS, if the governing body has entered into a written agreement with the owners of all of the assessable property within the district which states that:

(a) The governing body agrees to enter into a contract for the acquisition, construction or improvement of the project or projects in the district which includes:

(1) A provision stating that the requirements of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any construction work to be performed under the contract; and

(2) The price, stated as a lump sum or as unit prices, which the governing body agrees to pay for the project if the project meets all requirements and specifications in the contract.

(b) The owners of the assessable property agree that if the rate of interest on any assessment levied for the district is determined from time to time as provided in NRS 271.487, the owners will provide written notice to the governing body in a timely manner when a parcel of the assessable property in the district is sold to a person who intends to occupy a dwelling unit on the parcel as his or her residence.

(c) The owners of the assessable property agree that the governing body may create the district, levy the assessments and for all other purposes relating to the district proceed pursuant to the provisions of this section.

2. If an ordinance is adopted and the agreement entered into pursuant to subsection 1 so states:

(a) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to add additional property to the district. The assessments may be redistributed between the assessable property originally in the district and the additional assessable property if:

(1) The owners of additional assessable property also consent in writing to inclusion of their property in the district and to the amount of the assessment against their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(b) The governing body may amend the ordinance creating the district, change the assessment roll and redistribute the assessments required by NRS 271.390 in the same manner in which these actions were originally taken to remove assessable property from the district. The assessments may be redistributed among the assessable property remaining in the district if:

(1) The owners of the remaining assessable property consent in writing to the amount of the revised assessment on their property; and

(2) The redistribution of the assessments is not prohibited by any covenants made for the benefit of the owners of any bonds or interim warrants issued for the district.

(c) The governing body may adopt any ordinance pertaining to the district including the ordinance creating the district required by NRS 271.325, the ordinance authorizing interim warrants required by NRS 271.355, the ordinance levying assessments required by NRS 271.390, the ordinance authorizing bonds required by NRS 271.475 or any ordinance amending those ordinances after a single reading and without holding a hearing thereon, as if an emergency exists, upon an affirmative vote of not less than two-thirds of all voting members of the governing body, excluding from any computation any vacancy on the governing body and any members thereon who may vote to break a tie vote, and provide that the ordinances become effective at the time an emergency ordinance would have become effective. The provisions of NRS 271.308 do not apply to any such ordinance.

(d) The governing body may provide for a reserve fund, letter of credit, surety bond or other collateral for payment of any interim warrants or bonds issued for the district and include all or any portion of the costs thereof in the amounts assessed against the property in the district and in the amount of bonds issued for the district. The governing body may provide for the disposition of interest earned on the reserve fund and other bond proceeds, for the disposition of unexpended bond proceeds after completion of the project and for the disposition of the unexpended balance in the reserve fund after payment in full of the bonds for the district.

3. If the governing body of a municipality forms a district pursuant to the provisions of this section, the governing body:

(a) Is not required to adopt the resolutions required pursuant to the provisions of NRS 271.280, 271.310, 271.360 and 271.390.

(b) Shall be deemed to have adopted the resolution required pursuant to the provisions of NRS 271.325 if the plans and specifications are sufficiently specific to allow a competent contractor with the assistance of a competent engineer to estimate the cost of constructing the project and to construct the project.

4. *The governing body, the owners of the assessable property, any contractor who is awarded a contract or enters into an agreement to perform*

the construction work on a project pursuant to this section, and any subcontractor who performs any portion of the construction work on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the project or had awarded the contract.

Sec. 14. NRS 271.800 is hereby amended to read as follows:

271.800 1. A governing body may, pursuant to NRS 271.275 or 271.710, establish a district to finance an underground conversion project. Before the governing body may adopt an ordinance pursuant to NRS 271.325 to establish such a district, each service provider that owns the overhead service facilities to be converted to underground facilities must submit its written approval of the project to the governing body. The governing body shall not establish a district to finance an underground conversion project without receiving the written approval of each such service provider pursuant to this subsection.

2. Before initiating the establishment of a district pursuant to this section, the governing body must request in writing and receive from each service provider that owns the overhead service facilities to be converted in the proposed improvement district a written estimate of the cost to convert those facilities to underground facilities. The service provider shall provide its estimate of the cost of the conversion to the governing body not later than 120 days after the service provider receives the request from the governing body.

3. If a district already exists for the location for which the underground conversion project is proposed, the governing body may, pursuant to NRS 271.295, combine the underground conversion project with other projects in that district.

4. An underground conversion project must be constructed by one or more of the service providers that own the overhead service facilities to be converted, pursuant to a written agreement between the governing body and each service provider that will engage in the construction. Such a project must be constructed in accordance with the standard underground practices and procedures approved by the Public Utilities Commission of Nevada.

5. The provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to a contract entered into by a municipality and a service provider pursuant to this section, except that the contract must include a provision stating that the requirements of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any construction work to be performed under the contract. ***The governing body, the service provider, any contractor who is awarded a contract or enters into an agreement to perform the construction work on an underground conversion project, and any subcontractor who performs any portion of the construction work on an underground conversion project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had***

undertaken the underground conversion project or had awarded the contract.

6. Construction on an underground conversion project approved pursuant to this chapter may not commence until:

- (a) An ordinance creating a district is adopted pursuant to NRS 271.325;
- (b) The time for filing an appeal pursuant to NRS 271.315 has expired, or if such an appeal has been timely filed, a final, nonappealable judgment upholding the validity of the ordinance has been rendered;
- (c) Arrangements for the financing of the construction have been completed through the issuance of bonds or interim warrants; and
- (d) The service provider has obtained all applicable permits, easements and licenses necessary to convert the facilities.

Sec. 15. NRS 278C.240 is hereby amended to read as follows:

278C.240 The provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement related to an undertaking ordered by a governing body pursuant to this chapter. ***The governing body, the developer, any contractor who is awarded the contract or enters into the agreement to perform the construction work and any subcontractor who performs any portion of the construction work related to such an undertaking shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body had undertaken the undertaking or had awarded the contract.***

Sec. 16. NRS 279.500 is hereby amended to read as follows:

279.500 1. The provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.

2. If an agency:

- (a) Provides property for development at less than the fair market value of the property;
- (b) Provides a loan to a small business pursuant to NRS 279.700 to 279.730, inclusive; or
- (c) Provides financial incentives to a developer with a value of more than \$100,000,

↪ regardless of whether the project is publicly or privately owned, the agency must provide in the loan agreement with the small business or the agreement with the developer, as applicable, that the development project is subject to the provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. ***The agency, the small business or the developer, as applicable, any contractor who is awarded the contract or enters into the agreement to perform the project, and any subcontractor who performs any portion of the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the agency had undertaken the project or had awarded the contract.*** This

subsection applies only to the project covered by the loan agreement between the agency and the small business or the agreement between the agency and the developer, as applicable. This subsection does not apply to future development of the property unless an additional loan, or additional financial incentives with a value of more than \$100,000, are provided to the small business or developer, as applicable.

Sec. 17. NRS 318.140 is hereby amended to read as follows:

318.140 In the case of a district created wholly or in part for acquiring sanitary sewer improvements:

1. The board may:

(a) Construct, reconstruct, improve or extend the sanitary sewer system or any part thereof, including, without limitation, mains, laterals, wyes, tees, meters and collection, treatment and disposal plants.

(b) Sell any product or by-product thereof and acquire the appropriate outlets within or without the district and extend the sewer lines of the district thereto.

(c) Enter into and perform, without any election, contracts or agreements for a term not to exceed 50 years with any person or a public agency, to provide the services, equipment or supplies necessary or appropriate to conduct tests of the discharge of pollutants into the state's water and to report the results of those tests as required by chapter 445A of NRS or the regulations adopted thereunder. For the purposes of this paragraph, "public agency" has the meaning ascribed to it in NRS 277.100.

2. The provisions of chapters 332 and 339 of NRS do not apply to a contract under which a private developer extends a sewer main to his or her development or installs any appurtenances to that extension. Except as otherwise provided in this subsection, the provisions of chapter 338 of NRS do not apply to such a contract. If the developer does not pay all of the initial construction costs of the extension, the provisions of NRS 338.013 to 338.090, inclusive, apply to the contract. ***The board, the developer, any contractor who is awarded a contract or enters into an agreement to perform the extension or installation of appurtenances to the extension, and any subcontractor who performs any portion of the extension or installation of appurtenances to the extension shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board had undertaken the extension or had awarded the contract.***

Sec. 18. NRS 318.144 is hereby amended to read as follows:

318.144 1. The board may acquire, construct, reconstruct, improve, extend or better a works, system or facilities for the supply, storage and distribution of water for private and public purposes.

2. The provisions of chapters 332 and 339 of NRS do not apply to a contract under which a private developer constructs water facilities for his or her development. Except as otherwise provided in this subsection, the provisions of chapter 338 of NRS do not apply to such a contract. If the developer does not pay all of the initial construction costs of the facility, the

provisions of NRS 338.013 to 338.090, inclusive, apply to the contract. ***The board, the developer, any contractor who is awarded a contract or enters into an agreement to perform the construction of the facility, and any subcontractor who performs any portion of the construction of the facility shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the board had undertaken the construction or had awarded the contract.***

Sec. 19. NRS 332.390 is hereby amended to read as follows:

332.390 1. If a performance contract entered into pursuant to NRS 332.300 to 332.440, inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS ~~338.020~~ ***338.013*** to 338.090, inclusive. ***The local government, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the local government had undertaken the work or had awarded the contract.***

2. Before a qualified service company enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, that exceeds \$100,000, the qualified service company must furnish to the contracting body any bonds required pursuant to NRS 339.025. The provisions of chapter 339 of NRS apply to any performance contract described in this subsection.

Sec. 20. NRS 333A.120 is hereby amended to read as follows:

333A.120 If a performance contract entered into pursuant to this chapter requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to NRS ~~338.020~~ ***338.013*** to 338.090, inclusive. ***The using agency, the qualified service company, any contractor who is awarded a contract or enters into an agreement to perform the work for the performance contract, and any subcontractor who performs any portion of that work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the using agency had undertaken the work or had awarded the contract.***

Sec. 21. NRS 349.670 is hereby amended to read as follows:

349.670 1. NRS 349.400 to 349.670, inclusive, without reference to other statutes of the State, constitute full authority for the exercise of powers granted in those sections, including but not limited to the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 349.400 to 349.670, inclusive, to be done, applies to any proceedings taken or acts done pursuant

to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 349.400 to 349.670, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.400 to 349.670, inclusive, except that the provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director for work to be done in a project. ***The Director, the lessee, purchaser, obligor or other enterprise, any contractor who is awarded a contract or enters into an agreement to perform the construction, repair or reconstruction for a project, and any subcontractor who performs any portion of such construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the project or had awarded the contract.***

5. Any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 349.400 to 349.670, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 349.400 to 349.670, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

7. No part of NRS 349.400 to 349.670, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director or a person designated by the Director may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 349.400 to 349.670, inclusive, without the assistance or intervention of any other officer.

Sec. 22. NRS 349.956 is hereby amended to read as follows:

349.956 A water project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the

statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 349.935 to 349.961, inclusive, except that the provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the Director or a municipality for work to be done in a water project. ***The Director or municipality, the lessee, purchaser or other obligor, any contractor who is awarded a contract or enters into an agreement to perform the construction, repair or reconstruction for a water project, and any subcontractor who performs any portion of such construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the water project or had awarded the contract.***

Sec. 23. NRS 388A.635 is hereby amended to read as follows:

388A.635 1. NRS 388A.550 to 388A.695, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by NRS 388A.550 to 388A.695, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 388A.550 to 388A.695, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to NRS 388A.550 to 388A.695, inclusive ~~†~~, ***except that the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2019, by the Director of the Department of Business and Industry. The Director, the lessee, purchaser or other obligor, any contractor who is awarded a contract or enters into an***

agreement to perform the construction, repair or reconstruction for the project, and any subcontractor who performs any portion of such construction, repair or reconstruction shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if a public body had undertaken the project or had awarded the contract.

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 388A.550 to 388A.695, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 388A.550 to 388A.695, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of NRS 388A.550 to 388A.695, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director of the Department of Business and Industry may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 388A.550 to 388A.695, inclusive, without the assistance or intervention of any other officer.

Sec. 24. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the design-build team's possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team, if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117, and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team, and a relative weight of at least 30 percent for the proposed cost of design and construction

of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

- (a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;
- (b) Reject all the final proposals; or
- (c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

- (a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or
- (b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

- (a) Review and ratify the selection.
- (b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise

make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS ~~338.020~~ **338.013** to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. ***The Department, the design-build team, any contractor who is awarded a contract or enters into an agreement to perform work on the project, and any subcontractor who performs work on the project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Department had undertaken the project or had awarded the contract.***

9. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 25. NRS 543.545 is hereby amended to read as follows:

543.545 **1.** Except as otherwise provided in ~~subsection 3,~~ **this section**, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by a flood control district for the construction of a flood control facility pursuant to the master plan, if a majority of the construction costs are paid by a private developer and the written agreement:

~~1-1~~ (a) Complies with the requirements of subsection 1 of NRS 543.360;

~~2-1~~ (b) Clearly sets forth the computation of the construction costs, and includes the terms and conditions of the contract; and

~~3-1~~ (c) Contains a provision stating that the requirements of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any construction work performed pursuant to the contract.

2. ***The board, the developer, any contractor who is awarded a contract or enters into an agreement to perform the construction work, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same***

manner as if the board had undertaken the construction work or had awarded the contract.

Sec. 26. NRS 701B.265 is hereby amended to read as follows:

701B.265 1. The installation of a solar energy system on property owned or occupied by a public body pursuant to NRS 701B.010 to 701B.290, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money. ***The public body, the utility, any contractor who is awarded a contract or entered into an agreement to perform the installation and any subcontractor who performs any portion of the installation shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the public body had undertaken the installation or had awarded the contract.***

2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS ~~338.020~~ **338.013** to 338.090, inclusive.

3. As used in this section, “public body” means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 27. NRS 701B.625 is hereby amended to read as follows:

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS 701B.400 to 701B.650, inclusive, shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money. ***The public body, the utility, any contractor who is awarded a contract or entered into an agreement to perform the installation and any subcontractor who performs any portion of the installation shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the public body had undertaken the installation or had awarded the contract.***

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS ~~338.020~~ **338.013** to 338.090, inclusive.

3. As used in this section, “public body” means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 28. Section 9.5 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as amended by chapter 98, Statutes of Nevada 2013, at page 335, is hereby amended to read as follows:

Sec. 9.5. 1. Except as otherwise determined by the Board or provided in subsection 2, the provisions of any law requiring public

bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board if the Board:

(a) Complies with the provisions of subsection 3; and
(b) Finances the contract, project, acquisition, works or improvement by means of:

(1) Revenue bonds issued by the Authority; or
(2) An installment obligation of the Authority in a transaction in which:

(I) The Authority acquires real or personal property and another person acquires or retains a security interest in that or other property; and

(II) The obligation by its terms is extinguished by failure of the Board to appropriate money for the ensuing fiscal year for payment of the amounts then due.

2. A contract entered into by the Board pursuant to this section must:

(a) Contain a provision stating that the requirements of NRS ~~338.010~~ **338.013** to 338.090, inclusive, apply to any construction work performed pursuant to the contract; and

(b) If the contract is with a design professional who is not a member of a design-build team, comply with the provisions of NRS 338.155. As used in this paragraph, “design professional” has the meaning ascribed to it in ~~subsection 7 of~~ NRS 338.010.

3. For contracts entered into pursuant to this section that are exempt from the provisions of chapters 332, 338 and 339 of NRS pursuant to subsection 1, the Board shall adopt regulations pursuant to subsection ~~4~~ **5** which establish:

(a) One or more competitive procurement processes for letting such a contract; and

(b) A method by which a bid on such a contract will be adjusted to give a 5 percent preference to a contractor who would qualify for a preference pursuant to NRS 338.147, if:

(1) The estimated cost of the contract exceeds \$250,000; and

(2) Price is a factor in determining the successful bid on the contract.

4. ***The Board, any contractor who is awarded a contract or enters into an agreement to perform the construction work, and any subcontractor who performs any portion of the construction work shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Board had undertaken the construction work or had awarded the contract.***

5. The Board:

(a) Shall, before adopting, amending or repealing a permanent or temporary regulation pursuant to subsection 3, give at least 30 days' notice of its intended action. The notice must:

(1) Include:

(I) A statement of the need for and purpose of the proposed regulation.

(II) Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

(III) The estimated cost to the Board for enforcement of the proposed regulation.

(IV) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

(V) A statement indicating whether the regulation establishes a new fee or increases an existing fee.

(2) State each address at which the text of the proposed regulation may be inspected and copied.

(3) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Authority for that purpose.

(b) May adopt, if it has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this subsection, after providing a second notice and the opportunity for a hearing, a permanent regulation.

(c) Shall, in addition to distributing the notice to each recipient of the Board's regulations, solicit comment generally from the public and from businesses to be affected by the proposed regulation.

(d) Shall, before conducting a workshop pursuant to paragraph (g), determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the Board determines that such an impact is likely to occur, the Board shall:

(1) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(2) Consider methods to reduce the impact of the proposed regulation on small businesses.

(3) Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted pursuant to paragraph (g) and the public hearing held pursuant to paragraph (h).

(e) Shall ensure that a small business impact statement prepared pursuant to subparagraph (3) of paragraph (d) sets forth the following information:

(1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an

explanation of the manner in which other interested persons may obtain a copy of the summary.

(2) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- (I) Both adverse and beneficial effects; and
- (II) Both direct and indirect effects.

(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.

(4) The estimated cost to the Board for enforcement of the proposed regulation.

(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.

(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.

(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop:

(1) In writing to each person who has requested to be placed on a mailing list; and

(2) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

(h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.

(i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and 2 of NRS 241.035.

(j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

(k) Shall ensure that a small business which is aggrieved by a regulation adopted pursuant to this subsection may object to all or a part of the regulation by filing a petition with the Board within 90 days after the date on which the regulation was adopted. Such petition may be based on the following:

(1) The Board failed to prepare a small business impact statement as required pursuant to subparagraph (3) of paragraph (d); or

(2) The small business impact statement prepared by the Board did not consider or significantly underestimated the economic effect of the regulation on small businesses.

➔ After receiving a petition pursuant to this paragraph, the Board shall determine whether the petition has merit. If the Board determines that the petition has merit, the Board may, pursuant to this subsection, take action to amend the regulation to which the small business objected.

~~§ 6.~~ **6.** The determinations made by the Board pursuant to this section are conclusive unless it is shown that the Board acted with fraud or a gross abuse of discretion.

Sec. 29. The provisions of NRS 338.030, as amended by section 4 of this act, apply to any rates of prevailing wages determined by the Labor Commissioner pursuant to that section on or after July 1, 2019.

Sec. 30. 1. The amendatory provisions of this act do not apply to a contract for a public work or other project of construction, alteration, repair, remodeling or reconstruction of an improvement or property of a public body that is awarded before July 1, 2019.

2. As used in this section:

- (a) "Public body" has the meaning ascribed to it in NRS 338.010.
- (b) "Public work" has the meaning ascribed to it in NRS 338.010.

Sec. 31. NRS 338.1405 is hereby repealed.

Sec. 32. 1. This act becomes effective on July 1, 2019.

2. Sections 26 and 27 of this act expire by limitation on December 31, 2025.

TEXT OF REPEALED SECTION

338.1405 Requirements regarding agreements with labor organizations prohibited; exceptions.

1. The Legislature hereby finds and declares that the provisions of this section prohibiting requirements for certain terms in contracts entered into by a public body for a public work or entered into by the awardee of a grant, tax abatement, tax credit or tax exemption from a public body are:

(a) Intended to provide:

(1) More economical, nondiscriminatory, neutral and efficient contracts for public works by public bodies in this State as market participants; and

(2) Fair and open competition in awarding contracts, grants, tax abatements, tax credits and tax exemptions.

(b) The best method for effectuating the intent of paragraph (a).

2. Except as otherwise provided in subsection 5 or 6, a public body, in any advertisement, solicitation, specification, contract or any other document related to a contract for a public work, shall not:

(a) Require or prohibit an eligible bidder, contractor or subcontractor from entering into or adhering to an agreement with one or more labor organizations

in regard to the public work or any construction project integrated into the public work.

(b) Discriminate against an eligible bidder, contractor or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.

3. Except as otherwise provided in subsection 5 or 6, a public body shall not award a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include a term described in paragraph (a) or (b) of subsection 2 in a contract for any construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption.

4. The provisions of subsections 2 and 3 do not:

(a) Prohibit a public body from awarding a contract for a public work or a grant, tax abatement, tax credit or tax exemption to an owner who is not a public body, an eligible bidder, a contractor or a subcontractor who enters into, who is a party to or who adheres to an agreement with a labor organization if:

(1) Entering into, being or becoming a party to or adhering to an agreement with a labor organization is not a condition for awarding the contract, grant, tax abatement, tax credit or tax exemption; and

(2) The public body does not discriminate against an owner who is not a public body, an eligible bidder, a contractor or a subcontractor in the awarding of the contract, grant, tax abatement, tax credit or tax exemption based upon the status of entering into, being or becoming a party to or adhering to an agreement with a labor organization;

(b) Prohibit an eligible bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract:

(1) With a public body for a public work; or

(2) Funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body;

(c) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.;

(d) Interfere with labor relations of parties that are left unregulated by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.; or

(e) Affect any provision of NRS 338.020 to 338.090, inclusive.

5. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that a special circumstance requires such an exemption to avert an imminent threat to the public health or safety. A finding of a special circumstance pursuant to this subsection must not be based on the possibility or presence of a labor dispute concerning:

(a) The use of a contractor or subcontractor who is not a signatory to or does not adhere to an agreement with one or more labor organizations; or

(b) Employees on the public work who are not members of or affiliated with a labor organization.

6. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for:

(a) An airport, including, without limitation, a runway, taxiway, air traffic control tower or project to improve airport security; or

(b) A water system.

7. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

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. 198.

Bill read second time.

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

Amendment No. 376.

SUMMARY—Revises provisions governing the ~~use and ownership~~ sale or lease of certain ~~governmental~~ real property ~~that is owned by the Department of Transportation~~. (BDR ~~20-953~~) 35-953)

AN ACT relating to real property; ~~authorizing a board of county commissioners, a governing body of a city and the State Land Registrar to offer to convey~~ revising certain provisions relating to the sale or lease of certain real property ~~to private property owners at no cost under certain circumstances;~~ owned by the Department of Transportation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law sets forth certain requirements for the sale or lease of real property by counties, incorporated cities and the State Land Registrar. In accordance with these requirements, a board of county commissioners, a governing body of a city and the State Land Registrar is required, with limited exceptions, to obtain two independent appraisals of the fair market value of the real property and to sell or lease the real property upon sealed bids followed by oral offers. (NRS 244.2795, 244.281, 244.283, 268.059, 268.062, 321.007,~~

~~321.335) Sections 1, 4 and 8 of this bill exempt certain real property that a person has mistakenly occupied and maintained for 20 years or more from these requirements and, instead, authorizes a board of county commissioners, a governing body of a city or the State Land Registrar to convey such real property at no cost without satisfying the requirements for the sale or lease of real property. If the county, the city or the State transfers such property to a person, the property will be added to the property tax rolls and the person is then responsible for paying future property taxes assessed on the property. Sections 2, 3, 5-7, 9-11 of this bill make conforming changes.~~ **Under existing law, the Department of Transportation is authorized to acquire real property considered necessary for highway purposes. The Department or Board of Directors of the Department is further authorized to lease, relinquish or dispose of such real property under certain circumstances. (NRS 408.487, 408.507, 408.533) Section 12 of this bill requires the Department or Board, before relinquishing or disposing of property that the Department has determined is no longer necessary for highway purposes to a county, city or town, to offer the right of first refusal to any abutting property owner. Section 13 of this bill authorizes the Department to offer for lease to an abutting property owner any property which is not in current use by the Department. Section 12 requires the Department to require a county, city or town to honor any such lease before the Department may relinquish or dispose of real property to a county, city or town.**

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

Section 1. ~~{Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:~~

- ~~1. If a private property owner has occupied and maintained for at least 20 years a portion of adjacent real property owned by a county with the belief that the adjacent property is owned by the private property owner, the board of county commissioners may, except as otherwise provided in subsection 2, convey such adjacent real property to the private property owner at no cost.~~
- ~~2. Such a conveyance must not be in contravention of any condition in a gift or devise of real property to the county.~~
- ~~3. If any real property is conveyed pursuant to this section:~~
- ~~(a) The property must be added to the property tax rolls; and~~
- ~~(b) The private property owner to whom the property is conveyed is responsible for paying property taxes on such property as of the date of conveyance.~~ **(Deleted by amendment.)**

Sec. 2. ~~{NRS 244.2795 is hereby amended to read as follows:~~

- ~~244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, and section 1 of this act, except as otherwise required by federal law, except~~

~~as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:~~

~~—(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.~~

~~—(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.~~

~~—(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.~~

~~2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:~~

~~—(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and~~

~~—(b) Be organized at random and rotated from time to time.~~

~~3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.~~

~~4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:~~

~~—(a) The appraiser has an interest in the real property or an adjoining property;~~

~~—(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or~~

~~—(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real~~

~~property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.~~

~~5. If real property is sold or leased in violation of the provisions of this section:~~

~~(a) The sale or lease is void; and~~

~~(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.] **(Deleted by amendment.)**~~

~~Sec. 3. NRS 244.281 is hereby amended to read as follows:~~

~~244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, and *section 1 of this act*, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:~~

~~(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:~~

~~(1) Sell the property in the manner prescribed for the sale of real property in NRS 244.282.~~

~~(2) Lease the property in the manner prescribed for the lease of real property in NRS 244.283.~~

~~(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:~~

~~(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and~~

~~(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:~~

~~(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;~~

~~(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and~~

~~—(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained;~~

~~➤ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.~~

~~—(c) Except as otherwise provided in this paragraph, if the board of county commissioners by its resolution further finds that the property to be sold or leased is worth more than \$1,000, the board shall appoint two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the property is sufficient before selling or leasing it. Except for property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than the highest appraised value.~~

~~—(d) If the property is appraised at \$1,000 or more, the board of county commissioners may:~~

~~—(1) Lease the property; or~~

~~—(2) Sell the property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify;~~

~~—(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:~~

~~—(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:~~

~~—(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;~~

~~—(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or~~

~~—(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease;~~

~~—(2) The State or another governmental entity if:~~

~~—(I) The sale or lease restricts the use of the real property to a public use;~~

~~and~~

~~—(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county;~~

~~—(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.~~

~~—(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the board of county commissioners must obtain a new appraisal of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.~~

~~—2. If real property is sold or leased in violation of the provisions of this section:~~

~~—(a) The sale or lease is void; and~~

~~—(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.~~

~~—3. As used in this section, “flood control facility” has the meaning ascribed to it in NRS 244.276.} (Deleted by amendment.)~~

Sec. 4. ~~{Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—1. If a private property owner has occupied and maintained for at least 20 years a portion of adjacent real property owned by a city with the belief that the adjacent property is owned by the private property owner, the governing body of the city may, except as otherwise provided in subsection 2, convey such adjacent real property to the private property owner at no cost.~~

~~—2. Such a conveyance must not be in contravention of any condition in a gift or devise of real property to the city.~~

~~—3. If any real property is conveyed pursuant to this section:~~

~~—(a) The property must be added to the property tax rolls; and~~

~~—(b) The private property owner to whom the property is conveyed is responsible for paying property taxes on such property as of the date of conveyance.} (Deleted by amendment.)~~

Sec. 5. ~~{NRS 268.059 is hereby amended to read as follows:~~

~~268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, and section 4 of this act, except as otherwise required by federal law,~~

~~except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:~~

~~—(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.~~

~~—(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.~~

~~—(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.~~

~~2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:~~

~~—(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and~~

~~—(b) Be organized at random and rotated from time to time.~~

~~3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.~~

~~4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if:~~

~~—(a) The appraiser has an interest in the real property or an adjoining property;~~

~~—(b) The real property is located in a city in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity;~~

~~(e) The real property is located in a city in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.~~

~~5. If real property is sold or leased in violation of the provisions of this section:~~

~~(a) The sale or lease is void; and~~

~~(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease. **(Deleted by amendment.)**~~

Sec. 6. ~~NRS 268.061 is hereby amended to read as follows:~~

~~268.061 1. Except as otherwise provided in this subsection and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, **and section 4 of this act**, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:~~

~~(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.~~

~~(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:~~

~~(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and~~

~~(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:~~

~~(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;~~

~~(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and~~

~~(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.~~

~~* If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified~~

~~newspaper printed in the State of Nevada and having a general circulation within that county.~~

~~—(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than the highest appraised value.~~

~~—(d) If the real property is appraised at \$1,000 or more, the governing body may:~~

~~— (1) Lease the real property; or~~

~~— (2) Sell the real property for:~~

~~— (I) Cash; or~~

~~— (II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.~~

~~—(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:~~

~~—(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:~~

~~— (I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;~~

~~— (II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or~~

~~— (III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.~~

~~—(2) The State or another governmental entity if:~~

~~— (I) The sale or lease restricts the use of the real property to a public use; and~~

~~— (II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.~~

~~—(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.~~

~~—(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change~~

~~relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.~~

~~2. If real property is sold or leased in violation of the provisions of this section:~~

~~(a) The sale or lease is void; and~~

~~(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease. (Deleted by amendment.)~~

Sec. 7. [NRS 268.062 is hereby amended to read as follows:

~~268.062 1. Except as otherwise provided in this section and NRS 268.048 to 268.058, inclusive, 268.063, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, and section 4 of this act, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:~~

~~(a) Describe the property proposed to be sold or leased in such a manner as to identify it;~~

~~(b) Specify the minimum price and the terms upon which the property will be sold or leased; and~~

~~(c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.~~

~~2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:~~

~~(a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and~~

~~(b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:~~

~~—(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;~~

~~—(2) The minimum price of the real property proposed to be sold or leased at auction; and~~

~~—(3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.~~

~~↪ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.~~

~~—3. At the time and place fixed in the resolution for the meeting of the governing body, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.~~

~~—4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.~~

~~—5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.~~

~~—6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.~~

~~—7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chair of the governing body to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of the contract which are to be performed concurrently therewith.~~

~~—8. The governing body may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the~~

deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

~~9. If real property is sold or leased in violation of the provisions of this section:~~

~~(a) The sale or lease is void; and~~

~~(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.~~ **(Deleted by amendment.)**

Sec. 8. ~~Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If a private property owner has occupied and maintained for at least 20 years a portion of adjacent real property owned by the State with the belief that the adjacent property is owned by the private property owner, the State Land Registrar may, except as otherwise provided in subsection 2, convey such adjacent real property to the private property owner at no cost.~~

~~2. Such a conveyance must not be in contravention of any condition in a gift or devise of real property to the State.~~

~~3. If any real property is conveyed pursuant to this section:~~

~~(a) The property must be added to the property tax rolls; and~~

~~(b) The private property owner to whom the property is conveyed is responsible for paying property taxes on such property as of the date of conveyance.~~ **(Deleted by amendment.)**

Sec. 9. ~~NRS 321.007 is hereby amended to read as follows:~~

~~321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 321.402 to 321.418, inclusive, 322.061, 322.063, 322.065 or 322.075, and section 8 of this act, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:~~

~~(a) Obtain an independent appraisal of the land before selling or leasing it. The appraisal must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.~~

~~(b) Notwithstanding the provisions of chapter 333 of NRS, select an independent appraiser from the list of appraisers established pursuant to subsection 2.~~

~~(c) Verify the qualifications of an appraiser selected pursuant to paragraph~~

~~(b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.~~

~~2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:~~

~~(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and~~

~~(b) Be organized at random and rotated from time to time.~~

~~3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.~~

~~4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the third degree of consanguinity or affinity has an interest in the land or an adjoining property.~~

~~5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.~~

~~6. If land is sold or leased in violation of the provisions of this section:~~

~~(a) The sale or lease is void; and~~

~~(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.} (Deleted by amendment.)~~

Sec. 10. ~~NRS 321.335 is hereby amended to read as follows:~~

~~321.335 1. Except as otherwise provided in NRS 321.008, 321.125, 321.402 to 321.418, inclusive, 322.061, 322.063, 322.065 or 322.075, and section 8 of this act, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.~~

~~2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.~~

~~3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.~~

~~4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.~~

~~5. The notice must contain:~~

~~(a) A description of the land to be sold or leased;~~

~~(b) A statement of the terms of sale or lease;~~

~~(c) A statement that the land will be sold pursuant to subsection 6; and~~

~~(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.~~

~~6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.~~

~~7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:~~

~~(a) Contrary to the public interest.~~

~~(b) For a lesser amount than is reasonable for the land involved.~~

~~(c) On lands which it may be more beneficial for the State to reserve.~~

~~(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.~~

~~8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.~~

~~9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.~~

~~10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.~~

~~11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property. **(Deleted by amendment.)**~~

Sec. 11. ~~[NRS 371.047 is hereby amended to read as follows:~~

~~371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.043 or 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:~~

~~(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.~~

~~(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.~~

~~2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, **and section 1 of this act**, dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:~~

~~(a) Abutter's rights of light, view or air.~~

~~(b) Easements of access to and from abutting land.~~

~~(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.~~

~~3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.043 or 371.045, as applicable.~~

~~4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:~~

~~(a) Constitutes a taking of all or any part of the property, or interest therein;~~

~~(b) Lowers the value of the property; or~~

~~(c) Constitutes a nuisance.~~

~~5. As used in this section:~~

~~(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.~~

~~(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.~~

~~(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located. (Deleted by amendment.)~~

Sec. 12. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before the Department or Board may relinquish or dispose of any real property owned by the Department pursuant to NRS 408.507 or 408.533 to a county, city or town, as applicable, the Department shall afford the right of first refusal to purchase the real property to any abutting property owner:

(a) At market value; or

(b) If the Director determines such a sale is feasible and in the best interest of the State, at less than market value.

2. If the Department intends to relinquish or dispose of any real property to a local government that is subject to a lease made pursuant to subsection 5 of NRS 408.507, the Department shall require the local government to honor the existing lease before relinquishing or disposing of such real property.

Sec. 13. NRS 408.507 is hereby amended to read as follows:

408.507 1. Real property held in fee or improvements on the property acquired by the Department in advance of the actual construction, reconstruction or improvement of highways or in order to avoid the payment of excessive damages, or held by the Department pending a determination in the future on its use or disposal may be leased or rented by the Department for fair market value in such manner and for such periods as are determined by the Director to be in the best interests of the State.

2. The Director may lease for fair market value space above and below the established grade line of the highway to state and public agencies and private persons in such manner and for such periods as the Director determines are in the best interest of the State, if:

(a) The full use and safety of the highway will not be impaired;

(b) Vehicular or pedestrian access to that space will not be required or permitted from the established grade line; and

(c) The free flow of traffic on the highway is not interfered with in any way.

3. All leases of an interest in real property entered into by the Department before April 1, 1985, are hereby ratified. All other leases entered into pursuant to subsection 2 must be approved by the Board subject to the provisions of subsection 4.

4. ~~[[~~ **Except as otherwise provided in subsection 5, if** the Department receives a proposal to negotiate a lease pursuant to subsection 2, it shall publish a notice in a newspaper of general circulation at least once a week for 2 weeks, stating that it has received the proposal and that it will receive other proposals for use of the space for 60 days after the completion of the publication. A copy of the notice must be mailed to each local governmental unit in the affected area. If the property is leased, it must be to the highest bidder for the space. The requirements for publication and notice do not apply if the proposal was received from an owner who controls the property on both sides of the highway.

5. **Unless otherwise prohibited by federal law, the Director may offer to lease for fair market value real property described in subsection 1 to an abutting property owner in such manner and for such periods as the Director determines are in the best interest of the State.**

6. All money received for leases and rentals must be deposited with the State Treasurer to be credited to the State Highway Fund.

Sec. 14. NRS 408.533 is hereby amended to read as follows:

408.533 1. Except as otherwise provided in NRS 37.270 ~~[[~~ **and section 12 of this act,** all real property, interests therein or improvements thereon and personal property acquired before, on or after April 1, 1957, in accordance with the provisions of NRS 408.487 and 408.489 must, after approval by the Board and if no longer needed for highway purposes, be disposed of by the Director in accordance with the provisions of subsection 2, except that:

(a) When the property was originally donated to the State, no charge may be made if it is returned to the original owner or to the holder of the reversionary right.

(b) When the property has been wholly or partially paid for by towns, cities or counties, disposal of the property and of money received therefor must be agreed upon by the governing bodies of the towns, cities and counties and the Department.

(c) When the title to the real property has been acquired in fee pursuant to NRS 408.487 and 408.489 and, in the opinion of the Board, a sale by means of a public auction or sealed bids is uneconomical or impractical because:

(1) There is no access to the property;

(2) The property has value or an increased value only to a single adjoining property owner; or

(3) Such a sale would work an undue hardship upon a property owner as a result of a severance of the property of that owner or a denial of access to a public highway,

↳ the Board may enter into a direct sale of the property with such an owner or any other person for its fair market value.

(d) When the property has been acquired and the property or any portion of the property is no longer needed for highway purposes, the Department shall give notice of its intention to dispose of the property by publication in a newspaper of general circulation in the county where the property is situated. The notice must include the Department's appraisal of the fair market value of the property. Any person from whom the property was purchased or the person's heir or grantee may purchase the property at its fair market value by direct sale from the Department within 60 days after the notice is published. If more than one person qualified to purchase the property by direct sale pursuant to this paragraph so requests, the person with the superior claim, as determined by the Department in its sole discretion, is entitled to purchase the property by direct sale. If a person who is entitled to purchase the property by direct sale pursuant to this paragraph reasonably believes that the Department's appraisal of the property is greater than the fair market value of the property, the person may file an objection to the appraisal with the Department. The Department shall set forth the procedure for filing an objection and the process under which a final determination will be made of the fair market value of the property for which an objection is filed. The Department shall sell the property in the manner provided in subsection 2 if:

(1) No person requests to purchase the property by direct sale within 60 days after the notice is published pursuant to this paragraph; or

(2) A person who files an objection pursuant to this paragraph fails, within 10 business days after receipt of a written notice of the final determination of the fair market value of the property, to notify the Department in writing that he or she wishes to purchase the property at the fair market value set forth in the notice.

(e) When the property is sought by another public agency for a reasonable public use, the Department may first offer the property to the public agency at its fair market value.

2. ~~All~~ Except as otherwise provided in section 12 of this act, all property, interests or improvements not included within the provisions of subsection 1 must first be offered for sale by the Department singly or in combination at public auction or by sealed bids. If the highest bid received is 90 percent or more of the Department's appraisal of the fair market value of the property, the property may be sold to the highest bidder. The notice and the terms of the sale must be published in a newspaper of general circulation in the county where the property is situated. The auctions and openings of bids must be conducted by the Department. If the property cannot be sold for 90 percent or more of its fair market value, the Department may enter into a

written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.

3. It is conclusively presumed in favor of the Department and any purchaser for value that the Department acted within its lawful authority in acquiring and disposing of the property, and that the Director acted within his or her lawful authority in executing any conveyance vesting title in the purchaser. All such conveyances must be quitclaim in nature and the Department shall not warrant title, furnish title insurance or pay the tax on transfer of real property.

4. No person has a right of action against the Department or its employees for a violation of this section. This subsection does not prevent an action by the Attorney General on behalf of the State of Nevada or any aggrieved person.

5. All sums of money received by the Department for the sale of real and personal property must be deposited with the State Treasurer to be credited to the State Highway Fund, unless the Federal Highway Administration participated in acquisition of the property, in which case a pro rata share of the money obtained by disposal of the property must be paid to the Federal Highway Administration.

6. The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section, ~~for~~ exchanged pursuant to subsection 5 of NRS 408.489, ~~for~~ **or sold pursuant to section 12 of this act.** The easements, rights or interests include, but are not limited to:

- (a) Abutter's rights of light, view or air.
- (b) Easements of access to and from abutting land.
- (c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

~~[Sec. 12.]~~ **Sec. 15. Nothing in this act creates any right to claim adverse possession of any real property.**

Sec. 16. 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. 201.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 387.

AN ACT relating to traffic laws; providing that a person who ~~facilitates or~~ drives a vehicle in certain trick driving displays is guilty of a gross misdemeanor; **providing that a person who facilitates certain trick driving displays is guilty of a misdemeanor or a gross misdemeanor;** defining trick

driving display; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in an unauthorized speed contest on a public highway is guilty of reckless driving, which is a misdemeanor and is subject to graduated penalties depending on whether the offense is a first, second or third or subsequent offense that may include: (1) a fine; (2) imprisonment for up to 6 months in the county jail; (3) suspension of the driver's license of the person; (4) the requirement to perform community service; and (5) impoundment of the vehicle used by the person for a certain period. Organizing such a speed contest is also a misdemeanor with commensurate penalties. (NRS 484B.653)

Section 3 of this bill makes it unlawful to drive a vehicle in an unauthorized trick driving display on a public highway or to facilitate an unauthorized trick driving display. Under **section 3**, driving a vehicle in an unauthorized trick driving display constitutes reckless driving and is punishable as a gross misdemeanor, with graduated penalties depending on whether the offense is a first, ~~a second or third or~~ a subsequent offense that may include: (1) a fine; (2) imprisonment for up to 364 days in the county jail; (3) suspension of the driver's license of the person; (4) the requirement to perform community service; and (5) impoundment of the vehicle used by the person for a certain period. ~~[Additionally, the court may order criminal forfeiture of the vehicle used in the commission of the offense.]~~ **Section 3** provides ~~[similar penalties for]~~ **that** a person who facilitates an unauthorized trick driving display ~~[except that such a person's vehicle is not subject to criminal forfeiture.]~~ **is guilty of a misdemeanor for the first offense, and a gross misdemeanor for a second or subsequent offense, with graduated penalties that may include: (1) a fine; (2) imprisonment for up to 364 days in the county jail; (3) suspension of the driver's license of the person; (4) the requirement to perform community service; and (5) impoundment of the vehicle used by the person for a specified period.**

Sections 1 and 2 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 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~6~~ **9** of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

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

➔ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of not less than 185 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time

ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➔ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who is required to install a device in a motor vehicle pursuant to NRS 484C.210 or 484C.460:

(a) Shall install the device not later than 14 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

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

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; or

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection ~~6~~ 9 of NRS 484B.653.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 or following an order of revocation issued pursuant to NRS 484C.220, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

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

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↳ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon

the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

(d) Drive a vehicle in an unauthorized trick driving display on a public highway.

(e) Facilitate an unauthorized trick driving display on a public highway.

↪ A violation of paragraph (a), ~~(b)~~ **or (d)** of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. ***A person who violates paragraph (d) ~~for (e)~~ of subsection 1 is guilty of a gross misdemeanor and:***

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than \$1,000 and not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 ~~f~~ or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) ~~Except as otherwise provided in paragraph (d), may~~ May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense. ~~f~~ and

~~(d) May issue an order forfeiting any vehicle that is registered to the person who violates paragraph (d) of subsection 1 to the appropriate law enforcement agency if the vehicle is used in the commission of the offense.~~

~~8. If a court orders that a vehicle is forfeited pursuant to paragraph (d) of subsection 7, the law enforcement agency may:~~

~~(a) Retain it for official use;~~

~~(b) Sell it; or~~

~~(c) Remove it for disposal.~~

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

~~7.~~ 10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

~~8.~~ 11. As used in this section ~~f~~, "organize":

(a) *“Facilitate” means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:*

(1) *Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or*

(2) *Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.*

(b) *“Organize” means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.*

(c) *“Trick driving display” means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.*

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. 204.

Bill read second time.

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

Amendment No. 502.

AN ACT relating to prescription drugs; revising provisions governing **recovery centers and** chart orders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that hospitals, facilities for intermediate care and facilities for skilled nursing which are licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services may use chart orders to authorize the administration of a drug to a patient. (NRS 639.004) **Section 2** of this bill defines a recovery center. **Section 5 of this bill** ~~and~~ adds ~~it~~ **a recovery center** to the list of facilities that may use a chart order. **Section 3 of this bill authorizes the State Board of Pharmacy to license recovery centers to possess and administer controlled substances and dangerous drugs and authorizes the board to adopt regulations concerning their operation. Section 6 of this bill establishes the maximum fees that the Board may charge for investigating, initially licensing and renewing the license of a recovery center.**

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Recovery center” means any public or private facility that provides only short-term care, not to exceed 72 hours, to a person recovering from surgery, which is licensed as such by the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 3. 1. *The Board may issue a license to a facility that is licensed by the State Board of Health pursuant to NRS 449.0303 that meets the requirements set forth by the Board by regulation.*

2. *The Board shall adopt regulations:*

(a) As are necessary for the protection of the public appertaining to the safe and efficient acquisition, possession, storage, handling and administration of controlled substances and dangerous drugs in a facility licensed pursuant to this section.

(b) To set forth the qualifications, authority and duties of a facility licensed pursuant to this section and the owners, employees and contract employees of the facility.

Sec. 4. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 5. NRS 639.004 is hereby amended to read as follows:

639.004 “Chart order” means an order entered on the chart of a patient in a hospital, **recovery center**, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department of Health and Human Services or on the chart of a patient under emergency treatment in a hospital by a practitioner or on the written or oral order of a practitioner authorizing the administration of a drug to the patient. ~~*As used in this section, “recovery center” means any public or private facility that provides only short-term care, not to exceed 72 hours, to a person recovering from surgery, which is licensed as such by the Division of Public and Behavioral Health of the Department of Health and Human Services.*~~

Sec. 6. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a
pharmacist.....Actual cost
of the
examination

For the investigation or registration of an applicant as a registered pharmacist, including a certificate by endorsement.....	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy, including a license by endorsement.....	600
For the biennial renewal of a license to conduct a retail pharmacy.....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy, including a license by endorsement.....	600
For the biennial renewal of a license to conduct an institutional pharmacy.....	500
<u>For the investigation or issuance of an original license to conduct a facility licensed pursuant to section 3 of this act.....</u>	600
<u>For the biennial renewal of a license to conduct a facility licensed pursuant to section 3 of this act.....</u>	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist, including a certificate by endorsement.....	50
For the biennial renewal of registration as a registered pharmacist.....	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training.....	50
For the investigation or registration of an intern pharmacist.....	50
For the biennial renewal of registration as an intern pharmacist.....	40
For investigation or issuance of an original license to a manufacturer or wholesaler.....	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon	100

For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both..... 300

For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both..... 300

2. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.136 or 639.2315, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.1365 or 639.2316, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

4. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

5. All fees are payable in advance and are not refundable.

6. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 7. NRS 639.23275 is hereby amended to read as follows:

639.23275 1. Except as otherwise provided in NRS 453.256, no pharmacy may deliver a controlled substance or dangerous drug for a specific patient to a hospital, recovery center, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department of Health and Human Services which does not have a pharmacy on the premises except pursuant to a prescription given:

(a) Directly from the prescribing practitioner to a pharmacist;

(b) Indirectly by means of an order signed by the prescribing practitioner;

or

(c) By an oral order transmitted by an agent of the prescribing practitioner.

2. If an order for entry on a chart is given by a prescribing practitioner, the chart order must be signed by the practitioner who authorized the

administration of the drug within 48 hours after the order is given by that practitioner.

~~Sec. 2.~~ **Sec. 8.** This act becomes effective July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

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

Amendment No. 592.

SUMMARY—Revises provisions related to veterans. (BDR ~~37-125~~) **34-125**

AN ACT relating to veterans; requiring the ~~Director~~ **Board** of ~~the Department~~ **Regents of Veterans Services** ~~the University of Nevada~~ to appoint a ~~veterans resource~~ **veteran outreach** coordinator for each institution within the Nevada System of Higher Education; ~~requiring the Director to provide certain information at transition assistance programs for veterans; setting forth certain duties for veterans service officers employed by the Department; requiring the Director to provide certain training to veterans service officers; requiring the Director to conduct a census of veterans;~~ **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law creates the Department of Veterans Services and requires the Director and Deputy Director of the Department to undertake certain activities to support veterans in this State. (NRS 417.020, 417.030, 417.090)~~ **Under existing law, the Board of Regents of the University of Nevada administers the Nevada System of Higher Education, which consists of the University of Nevada and other educational institutions, programs and operations. (NRS 396.020)**

Section 2 of this bill requires the ~~Director~~ **Board of Regents** to appoint a ~~veterans resource~~ **veteran outreach** coordinator for each institution within the Nevada System of Higher Education to provide certain assistance and information to veterans and members of the military who are students at the institution.

~~Section 3 of this bill requires the Director to present information at every transition assistance program sponsored or organized by the Department that explains the benefits, services, entitlements and opportunities available to veterans.~~

~~Section 4 of this bill requires each veterans service officer of the Department to: (1) develop cooperative working relationships with each advocate for~~

~~veterans assigned to the officer by the Director; and (2) contact each such advocate on a quarterly basis.~~

~~—Section 5 of this bill requires the Director to: (1) ensure each person who participates as an advocate for veterans in this State in a volunteer program sponsored by the Department is assigned to a veterans service officer employed by the Department that will offer assistance to the volunteer; and (2) provide semiannual training to each veterans service officer employed by the Department regarding the benefits, services, programs and assistance available to veterans.~~

~~—Section 6 of this bill requires the Director to conduct a statewide census of veterans before December 31, 2020.]~~

Section 6.5 of this bill makes an appropriation of \$483,000 to the Nevada System of Higher Education for Fiscal Years 2019-2020 and 2020-2021 to pay the costs of employing such veteran outreach coordinators.

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

~~Section 1. [Chapter 417 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. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~Director~~ Board of Regents of the University of Nevada shall appoint a ~~veterans resource~~ veteran outreach coordinator for each institution within the Nevada System of Higher Education. A ~~veterans resource~~ veteran outreach coordinator appointed pursuant to this section must be a veteran.

2. Each ~~veterans resource~~ veteran outreach coordinator shall:

(a) Conduct outreach to, and provide assistance designed for, the unique needs of veterans and members of the military who are students at the institution.

(b) Develop and distribute information to veterans and members of the military who are students at the institution regarding benefits which are available through agencies and programs that provide services and resources to veterans and members of the military who are students.

(c) Provide assistance in applying for and obtaining benefits which are available through agencies and programs that provide services and resources to veterans and members of the military who are students.

(d) Provide notice to private postsecondary institutions, trade schools and vocational schools within the community surrounding the institution of the briefings, career fairs and other events or programs for veterans and members of the military that are held at the institution.

~~Sec. 3. [The Director or his or her designee shall present information at every transition assistance program sponsored or organized by the~~

~~Department that explains the benefits, services, entitlements and opportunities available to veterans.] (Deleted by amendment.)~~

~~Sec. 4. [Each veterans service officer of the Department shall:~~

~~1. Develop cooperative working relationships with each advocate for veterans assigned to the officer by the Director.~~

~~2. Contact each advocate for veterans assigned to the officer by the Director at least on a quarterly basis to discuss, without limitation, the services and benefits available to veterans and issues relating to veterans who are eligible for those services.] (Deleted by amendment.)~~

~~Sec. 5. [NRS 417.090 is hereby amended to read as follows:~~

~~417.090 1. The Director shall:~~

~~(a) Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their spouses, widows, widowers, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.~~

~~(b) Aid, assist, encourage and cooperate with every service organization recognized nationally or in this State insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.~~

~~(c) Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.~~

~~(d) Coordinate activities of veterans' organizations.~~

~~(e) Serve as a clearinghouse and disseminate information relating to veterans' benefits.~~

~~(f) Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.~~

~~(g) Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.~~

~~(h) Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the Director.~~

~~(i) Take possession of any abandoned or unclaimed artifacts or other property that has military or historical value for safekeeping. The Director may:~~

~~(1) Transfer such an artifact or other property to:~~

~~(I) The Nevada State Museum or the Nevada Historical Society, upon its written request, if the artifact or other property has, in the opinion of the requesting institution, historical value and is worthy of preservation; or~~

~~(II) Any other governmental agency or nonprofit entity, including, without limitation, a veterans' organization and the United States Department of Veterans Affairs, upon its written request, if the artifact or other property was not requested by the Nevada State Museum or the Nevada Historical Society; or~~

~~(2) Destroy or otherwise dispose of the artifact or other property.~~

~~An action may not be maintained by any person against the holder or former holder of an artifact or other property because of the transfer, destruction or other disposal of the artifact or other property pursuant to this paragraph.~~

~~(j) Develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.~~

~~(k) Create and maintain a statewide database of information relating to veterans to assist the Department in identifying and communicating with veterans and connecting veterans with benefits and opportunities for which they are eligible.~~

~~(l) Create and maintain a registry of governmental agencies and private entities that provide services and resources to veterans, service members and their families and publish a digital copy of the registry on the Internet website maintained by the Department.~~

~~(m) Ensure that each generation of veterans is recognized annually through a ceremony, information campaign or other form of public acknowledgment.~~

~~*(n) Ensure that each person who participates as an advocate for veterans in this State in a volunteer program sponsored by the Department is assigned to a veterans service officer employed by the Department that will offer assistance to the volunteer.*~~

~~*(o) Provide semiannual training to each veterans service officer employed by the Department regarding the benefits, services, programs and assistance available to veterans.*~~

~~2. The Director shall:~~

~~(a) Establish an internal policy for guidance to employees of the Department regarding the transfer, destruction or other disposal of artifacts and other property pursuant to paragraph (i) of subsection 1; and~~

~~(b) Post the policy on the Internet website maintained by the Department.~~

(Deleted by amendment.)

Sec. 6. 1. ~~The Director of the Department of Veterans Services shall on or before December 31, 2020, conduct a statewide census of veterans. The census must include, without limitation, collecting the following information from every veteran:~~

~~(a) Name, address, phone number and electronic mail address.~~

~~(b) Dates of service in the military or military reserves.~~

~~(c) The branch of the Armed Forces to which the veteran was a member.~~

~~(d) The highest rank that the veteran reached in military service.~~

~~—(e) Whether the veteran incurred a service connected disability and, if so, the percentage of such disability.~~

~~—(f) Whether the veteran requested additional information regarding information or services provided by the Department and, if so, a summary of such requested information.~~

~~—2. The Director or his or her designee shall provide to every veteran during the census information about:~~

~~—(a) Benefits, entitlements or services that the veteran may qualify to apply for or receive; and~~

~~—(b) Any event for veterans that may be of interest to the veteran.~~

~~—3. Every state agency or local government shall cooperate with the Director with respect to requests for information related to veterans.~~

~~—4. The Director may contract with a qualified vendor or provider of technical assistance to assist the Director in carrying out the provisions of this section.~~

~~—5. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.† (Deleted by amendment.)~~

Sec. 6.5. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education to carry out the provisions of section 2 of this act the following sums:

<u>For the Fiscal Year 2019-2020.....</u>	<u>\$483,000</u>
<u>For the Fiscal Year 2020-2021.....</u>	<u>\$483,000</u>

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.

Sec. 7. 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. 212.

Bill read second time.

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

Amendment No. 234.

AN ACT relating to confidential information; authorizing certain persons who perform tasks related to code enforcement to obtain court orders requiring a county assessor, county recorder, the Secretary of State or a county or city clerk to maintain certain personal information in a confidential manner; authorizing such persons to request the Department of Motor Vehicles to display an alternate address on the person's driver's license, commercial driver's license or identification card; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to obtain a court order to require a county assessor, county recorder, the Secretary of State or a city or county clerk to maintain the personal information of the person contained in their records in a confidential manner. The person seeking the order must submit to the court a sworn affidavit that, among other things, sets forth sufficient justification for the request for confidentiality. (NRS 247.530, 250.130, 293.906) The persons authorized to obtain such orders include justices, judges, certain court personnel, certain prosecutors and state or county public defenders. Existing law also authorizes the spouse, domestic partner or minor child of any such person and the surviving spouse, domestic partner or minor child of any such person who was killed in the performance of his or her duties to obtain such orders. (NRS 247.540, 250.140, 293.908) **Sections 1-3** of this bill further authorize such orders to be obtained by any ~~employee of~~ **inspector, officer or investigator employed by** this State or a political subdivision of this State designated by his or her employer who **: (1) possesses specialized training in code enforcement; (2) interacts with the public ; and** ~~performs~~ **(3) whose primary duties are the performance of** tasks related to code enforcement.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) **Section 4** of this bill further authorizes any ~~employee of~~ **inspector, officer or investigator employed by** this State or a political subdivision of this State designated by his or her employer who **: (1) possesses specialized training in code enforcement; (2) interacts with the public ; and** ~~performs~~ **(3) whose primary duties are the performance of** tasks related to code enforcement, to make such requests.

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

Section 1. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(g) ~~Any employee of~~ inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer ~~who~~ :

(1) Who possesses specialized training in code enforcement;

(2) Who, as part of his or her normal job responsibilities ~~is~~

~~(1) Interacts~~, interacts with the public; and

~~(2) Performs~~

(3) Whose primary duties are the performance of tasks related to code enforcement.

(h) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(f)~~ (g), inclusive.

~~(h)~~ (i) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(f)~~ (g), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3 As used in this section, "code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

Sec. 2. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

(a) Any justice or judge in this State.

(b) Any senior justice or senior judge in this State.

(c) Any court-appointed master in this State.

(d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any peace officer or retired peace officer.

(f) Any prosecutor.

(g) Any state or county public defender.

(h) ~~Any employee of~~ inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who possesses specialized training in code enforcement, interacts with the public and ~~performs~~ whose primary duties are the performance of tasks related to code enforcement.

(i) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(g)~~ (h), inclusive.

~~(i)~~ (j) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(g)~~ (h), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) “Code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

~~(b)~~ “Peace officer” means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~(b)~~ (c) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

Sec. 3. NRS 293.908 is hereby amended to read as follows:

293.908 The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

1. Any justice or judge in this State.

2. Any senior justice or senior judge in this State.

3. Any court-appointed master in this State.

4. Any clerk of a court, court administrator or court executive officer in this State.

5. Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

(a) Crimes that are punishable as category A felonies; or

(b) Domestic violence.

6. Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (a) Crimes that are punishable as category A felonies; or
- (b) Domestic violence.

7. ~~Any employee of inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who :~~

- ~~(a) Who possesses specialized training in code enforcement;~~
- ~~(b) Who, as part of his or her normal job responsibilities ~~f~~~~
- ~~(a) Interacts, interacts with the public; and~~
- ~~(b) Performs~~
- ~~(c) Whose primary duties are the performance of tasks related to code enforcement.~~

8. The spouse, domestic partner or minor child of a person described in subsections 1 to ~~6,~~ 7, inclusive.

~~8,~~ 9. The surviving spouse, domestic partner or minor child of a person described in subsections 1 to ~~6,~~ 7, inclusive, who was killed in the performance of his or her duties.

10. As used in this section, “code enforcement” means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

Sec. 4. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person’s driver’s license, commercial driver’s license or identification card:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of the court, court administrator or court executive officer in this State.
- (e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.
- (f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:
 - (1) Crimes that are punishable as category A felonies; or
 - (2) Domestic violence.

(g) ~~Any employee of inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer who :~~

- ~~(1) Who possesses specialized training in code enforcement;~~
- ~~(2) Who, as part of his or her normal job responsibilities ~~f~~~~
- ~~(1) Interacts, interacts with the public; and~~
- ~~(2) Performs~~
- ~~(3) Whose primary duties are the performance of tasks related to code enforcement.~~

(h) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~((f))~~ (g), inclusive.

~~((h))~~ (i) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~((f))~~ (g), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section, "code enforcement" means the enforcement of laws, ordinances or codes regulating public nuisances or the public health, safety and welfare.

Sec. 5. This act becomes effective upon passage and approval.

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. 219.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 557.

AN ACT relating to education; revising provisions ~~related to~~ **governing the reporting of certain information concerning the achievement of pupils who are English learners pursuant to the statewide system of accountability for public schools; requiring the principals of certain public schools that demonstrate low achievement for pupils who are English learners to develop a corrective action plan; authorizing a pupil who is an English learner to enroll in a public high school outside the zone of attendance in which the pupil resides under certain circumstances; requiring the adoption of a plan to ensure that** a policy of instruction to teach English to pupils who are English learners ~~to~~ **achieves certain objectives**; revising eligible teaching programs for which the Teach Nevada Scholarship Program awards scholarships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare and publicly disseminate annual reports of accountability for the quality of schools and the educational achievement of pupils. (NRS 385A.070) Existing law requires the State Board to: (1) prescribe criterion-referenced examinations to measure the achievement and proficiency of pupils; and (2) select a college and career readiness assessment for pupils who are enrolled in grade 11 in public high schools. (NRS 390.105, 390.610) Existing law requires the annual reports of accountability to include a comparison of the performance of pupils who are English learners and pupils who are proficient in the English language on the criterion-referenced examinations and the college and career readiness assessment. (NRS 385A.280, 385A.490) Sections 1 and 1.1 of this bill require such data to be reported separately according to subject area, the length of time that pupils who are English learners have been learning the English language and any identified trends in the performance of pupils in middle school, junior high school and high school who are English learners over the immediately preceding 3 years. Section 1 requires the board of trustees of each school district and the governing body of each charter school to publish and submit to the Department of Education and the Legislature a report of certain information concerning the achievement of pupils who are English learners on or before October 1 of each year. Sections 1.6 and 1.8 of this bill require the Department of Education to ensure the availability of authorized supports to pupils who are English learners on the criterion-referenced examinations and the college and career readiness assessment.

Section 1.2 of this bill requires the principals of certain schools that demonstrate low achievement for pupils who are English learners to establish a corrective action plan. Sections 1.2 and 1.3 of this bill authorize a pupil who is an English learner and attends a high school that has adopted a corrective action plan to enroll in a public school outside the zone of attendance in which the pupil resides if: (1) the pupil wishes to transfer because the school demonstrates low levels of achievement for pupils who are English learners or because of the adoption of the corrective action plan; and (2) the public school that the pupil wishes to attend has adequate capacity after enrolling all pupils who reside in the zone of attendance of the school and wish to attend the school.

Existing law requires each board of trustees of a school district to develop a policy of instruction to teach English to pupils who are English learners and sets forth the requirements for the policy. Such a policy is required to be designed to eliminate gaps in achievement between pupils who are English learners and pupils who are proficient in English. (NRS 388.407) Section 1.1 of this bill revises the requirements of such a policy by requiring each school district to adopt a protocol which includes providing transportation to a pupil

~~who is an English learner to another school if: (1) the public school in which the pupil is enrolled does not provide a program to teach English to pupils who are English learners; or (2) if certain persons determine such a program is not adequate.]~~ **1.4 of this bill requires the board of trustees of a school district to adopt a plan to ensure that the policy achieves those objectives.**

Under existing law, the Teach Nevada Scholarship Program provides scholarships to students pursuing a teaching degree at a university, college or other provider of an alternative licensure program that offers an eligible teaching program. Such eligible teaching programs include a program to: (1) make a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or (2) specialize in the subject area of early childhood education. (NRS 391A.580) **Section 2** of this bill revises such eligible programs by including a program which allows a student to obtain an endorsement to teach: (1) English as a second language; or (2) special education.

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

Section 1. NRS 385A.280 is hereby amended to read as follows:

385A.280 **1.** The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information regarding the progression of pupils who are English learners in attaining proficiency in the English language, including, without limitation:

~~1-1~~ **(a)** The number and percentage of pupils who were identified as English learners at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

~~2-1~~ **(b)** The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

~~3-1~~ **(c)** A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

~~(a)~~ **(1)** Retention rates;

~~(b)~~ **(2)** Graduation rates;

~~(c)~~ **(3)** Dropout rates;

~~(d)~~ **(4)** Grade point averages; and

~~(e)~~ **(5)** Scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and

~~4-1~~ **(d)** Results of the assessments and reassessments of pupils who are English learners, reported separately by the primary language of the pupils, pursuant to the policy developed by the board of trustees of the school district pursuant to NRS 388.407.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(1) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.160;

(2) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(3) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English language of pupils who are English learners over the immediately preceding 3 years.

3. In addition to including the information prescribed by this section in the annual report of accountability prepared pursuant to NRS 385A.070, the board of trustees of each school district and the governing body of each charter school shall, on or before October 1 of each year:

(a) Submit a report of the information prescribed by this section to the Department of Education and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislative Committee on Education; and

(2) In even-numbered years, the next regular session of the Legislature; and

(b) Post the report on an Internet website maintained by the school district or charter school, as applicable.

Sec. 1.1. NRS 385A.490 is hereby amended to read as follows:

385A.490 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include for each school district, including, without limitation, each charter school in the district, and for this State as a whole, information regarding the progression of pupils who are English learners in attaining proficiency in the English language, including, without limitation:

~~1.~~ (a) The number and percentage of pupils who were identified as English learners at the beginning of the school year, were continually enrolled throughout the school year and were identified as proficient in English by the completion of the school year;

~~2.~~ (b) The achievement and proficiency of pupils who are English learners in comparison to the pupils who are proficient in English;

~~3.~~ (c) A comparison of pupils who are English learners and pupils who are proficient in the English language in the following areas:

~~(a)~~ (1) Retention rates;

~~(b)~~ (2) Graduation rates;

~~(c)~~ (3) Dropout rates;

~~(d)~~ (4) Grade point averages; and

~~[(c)]~~ (5) Scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610; and

~~[4.]~~ (d) Results of the assessments and reassessments of pupils who are English learners, reported separately by the primary language of the pupils, pursuant to the policies developed by the boards of trustees of school districts pursuant to NRS 388.407.

2. The data reported pursuant to subparagraph (5) of paragraph (c) of subsection 1 must be reported separately:

(a) According to subject matter areas measured using the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.160;

(b) For pupils who are newcomers to the English language, pupils who are short-term English learners and pupils who are long-term English learners, as designated by regulation of the State Board; and

(c) For middle schools, junior high schools and high schools, according to any identified trends in the proficiency in the English language of pupils who are English learners over the immediately preceding 3 years.

Sec. 1.2. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The principal of each public school which, based upon the most recent annual report of the statewide system of accountability for public schools, was rated in the lowest 30 percent of public schools in this State in the achievement of pupils who are English learners, shall adopt, submit to the Department and publish on an Internet website maintained by the school a corrective action plan which must include, without limitation:

(a) Identification of the root causes of the low levels of achievement among pupils who are English learners;

(b) Plans to address those root causes;

(c) Attainable quantitative goals for improvement in the achievement of pupils who are English learners and timelines for meeting those goals;

(d) Identification of specific actions to improve the achievement of pupils who are English learners, plans to monitor those actions and identification of persons responsible for taking and monitoring those actions; and

(e) Plans to provide professional development designed to address the needs of pupils who are English learners to administrators, teachers and other educational staff.

2. The Department shall assist principals who are required by subsection 1 to adopt a corrective action plan with the development of the plan.

3. A corrective action plan adopted pursuant to subsection 1 may be incorporated into any other relevant corrective action plan adopted by the school.

4. A public high school that has adopted a corrective action plan pursuant to subsection 1 shall notify the parent or guardian of each pupil receiving services for English learners at the high school, in English and

any language that is the primary language of at least 10 percent of the English learners enrolled in the high school, that the school has adopted a corrective action plan. The notice must include, without limitation:

(a) A list of each high school within 5 miles of the school that has not adopted a corrective action plan;

(b) A statement that the parent or guardian may request that the pupil be transferred to a public high school that has not adopted a corrective action plan; and

(c) A statement of the provisions of subsection 5.

5. The board of trustees of a school district shall allow a pupil who is an English learner and attends a school that has adopted a corrective action plan to enroll in a public school outside the zone of attendance in which the pupil resides if:

(a) The pupil wishes to transfer because the school meets the criteria prescribed in subsection 1 or because of the adoption of the corrective action plan; and

(b) The public school in which the pupil wishes to enroll has adequate capacity to enroll the pupil after enrolling all pupils who reside in the zone of attendance of the school and wish to attend the school.

6. On or before July 1 of each year, the Department shall submit to the Legislative Committee on Education a report that includes:

(a) The number of public schools in this State that have adopted a corrective action plan pursuant to subsection 1;

(b) A description of any progress or lack of progress in closing gaps in achievement between pupils who are English learners and pupils who are proficient in English; and

(c) An evaluation of the success of the corrective action plans.

7. As used in this section, "zone of attendance" means the zone established by the board of trustees of a school district pursuant to NRS 388.040 to designate which school within the district a pupil must attend.

Sec. 1.3. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105; ~~for~~

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom

the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive ~~}; or~~

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of section 1.2 of this act.

~~Section 1.4~~ **Sec. 1.4.** NRS 388.407 is hereby amended to read as follows:

388.407 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are English learners. The policy must be designed to provide pupils enrolled in each public school located in the school district who are English learners with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are English learners through the use of an appropriate assessment;

(b) Provide for the periodic reassessment of each pupil who is classified as an English learner;

(c) Be designed to eliminate any gaps in achievement, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are English learners and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are English learners to participate in the program; and

(e) Provide the parents and legal guardians of pupils who are English learners with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are English learners and assist those parents and legal guardians in enrolling those pupils in such programs ~~; and~~

~~(f) Establish a protocol which provides transportation to attend another school for certain pupils who are English learners. Such a protocol must provide:~~

~~(1) Transportation to attend the nearest public school which provides an appropriate and adequate program of instruction to teach English to pupils who are English learners;~~

~~(I) If the pupil is enrolled in a public school which does not provide such a program at the grade level of the pupil; or~~

~~(II) Upon the request of either a pupil who is at least 18 years of age or an emancipated minor or the parent or legal guardian of a pupil if the pupil is less than 18 years of age who determines such a program is not adequate; and~~

~~(2) A process for appealing a determination made pursuant to sub-subparagraph (II) of subparagraph (1) of whether a program of instruction to teach English to pupils who are English learners is adequate.]~~

3. ~~[As used in this section, “adequate” means the school in which the pupil is enrolled;~~

~~(a) Employs a teacher on a full time basis to provide a program of instruction to teach pupils who are English learners; or~~

~~(b) Provides instruction and services specifically designed to address the first 2 years of learning English as a second language.]~~ The board of trustees of a school district shall adopt a plan to ensure that a policy adopted pursuant to this section achieves the objectives prescribed by paragraph (c) of subsection 2.

4. The Department shall monitor the implementation of:

(a) The provisions of the policy developed pursuant to subsection 1 designed to achieve the objectives described in paragraph (c) of subsection 2; and

(b) The plan adopted pursuant to subsection 3.

Sec. 1.6. NRS 390.105 is hereby amended to read as follows:

390.105 1. The State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe examinations that comply with 20 U.S.C. § 6311(b)(2) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(2).

↪ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council to Establish Academic Standards for Public Schools, prescribe a writing examination for grades 5 and 8.

3. The Department shall ensure the availability of:

(a) The examinations prescribed pursuant to subsections 1 and 2 to pupils in any language in which those examinations are published; and

(b) Authorized supports to pupils who are English learners for the examinations prescribed pursuant to subsections 1 and 2.

4. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

~~[4.]~~ 5. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by

the State Board at such times as prescribed by the State Board pursuant to subsection ~~3~~ 4. The examinations must be:

(a) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 1.8. NRS 390.610 is hereby amended to read as follows:

390.610 1. The State Board shall select a college and career readiness assessment for administration to pupils who are enrolled in grade 11 in public high schools.

2. Except as otherwise provided in this subsection, a pupil must take the college and career readiness assessment to receive a standard high school diploma. A pupil with a disability may, in accordance with his or her individualized education program, be exempt from the requirement to take the college and career readiness assessment.

3. The results of a pupil on the college and career readiness assessment:

(a) Must not be used in the determination of whether the pupil satisfies the requirements for receipt of standard high school diploma.

(b) May be used in the determination of whether the pupil satisfies the requirements for receipt of a college and career ready high school diploma.

4. The assessment selected pursuant to subsection 1 must be:

(a) Administered at the same time during the school year by the board of trustees of each school district to pupils enrolled in grade 11 in all public high schools of the school district and by the governing body of each charter school that enrolls pupils in grade 11, as prescribed by the State Board, and in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of the school districts and individual schools with the uniform procedures and report to the State Board any instance of noncompliance.

(b) Administered in accordance with the plan adopted by the Department pursuant to NRS 390.270 and with the plan adopted by the board of trustees of the school district in which the assessment is administered pursuant to NRS 390.275. The Department shall monitor the compliance of the school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department,
 ↪ and shall report to the State Board any instance of noncompliance.

5. The assessment selected pursuant to subsection 1 must:

(a) Be used to provide data and information to each pupil who takes the assessment in a manner that allows the pupil to review the areas of his or her academic strengths and weaknesses, including, without limitation, areas where additional work in the subject areas tested on the assessment is necessary to prepare for college and career success without the need for remediation; and

(b) Allow teachers and other educational personnel to use the results of a pupil on the assessment to provide appropriate interventions for the pupil to prepare for college and career success.

6. **The Department shall ensure the availability of authorized supports to pupils who are English learners for the assessment selected pursuant to subsection 1.**

7. The State Board shall adopt regulations prescribing the manner in which the results of a college and career readiness assessment selected pursuant to subsection 1 must be used by a school district or charter school that operates as a high school to inform the instruction provided to pupils enrolled in grade 12, including, without limitation, to determine whether to provide remediation in areas of academic weakness and acceleration in areas of academic strength.

~~7.~~ 8. The State Board may work in consultation with the boards of trustees of school districts and, if a charter school enrolls pupils at a high school grade level, the governing body of the charter school to develop and implement appropriate plans of remediation for pupils based upon the results of the pupils on the assessment.

Sec. 2. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; ~~or~~

(b) Allows a student to specialize in the subject area of early childhood education ~~or~~;

(c) *Allows a student to obtain an endorsement to teach English as a second language; or*

(d) *Allows a student to obtain an endorsement to teach special education.*

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board may prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(a) Are veterans or the spouses of veterans;

(b) Intend to teach in public schools in this State which have the highest shortage of teachers;

(c) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

(d) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if the student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

5. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive.

Sec. 2.5. 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. 3. This act becomes effective upon passage and approval.

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. 242.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 605.

AN ACT relating to economic development; creating the Nevada Air Service Development Commission; creating the Nevada Air Service Development Fund; providing for the management of the Fund; setting forth the duties of the Commission; requiring the Commission to develop a program to provide grants of money from the Fund to certain air carriers; establishing criteria for awarding grants of money from the Fund to certain air carriers; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution contains a provision commonly known as a "gift clause" that restricts the State, under certain circumstances, from donating or loaning the State's money or credit to any company, association or corporation, except corporations formed for an educational or charitable purpose. (Nev. Const. Art. 8, § 9) The State loans its credit in violation of this constitutional provision only when the State acts as a surety or guarantor for the debts of a company, corporation or association. (*Employers Ins. Co. of Nev. v. State Bd. of Exam'rs*, 117 Nev. 249, 258 (2001)) The State does not donate, loan or "gift" its money in violation of this constitutional provision when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds. (*Lawrence v. Clark County*, 127 Nev. 390, 405 (2011)) In most cases, a court generally will give great weight and due deference to the Legislature's finding that a particular dispensation of state funds serves a public purpose and that the State receives a valuable benefit or fair consideration in exchange for the dispensation. (*McLaughlin v. Hous. Auth. of Las Vegas*, 68 Nev. 84, 93 (1951); *Lawrence v. Clark County*, 127 Nev. 390, 399 (2011); see also *Washoe County Water Conserv. Dist. v. Beemer*, 56 Nev. 104, 115 (1935); *Cauble v. Beemer*, 64 Nev. 77, 82-85 (1947); *State ex rel. Brennan v. Bowman*, 89 Nev. 330, 332-33 (1973))

Section 10 of this bill creates the Nevada Air Service Development Commission and provides that the Commission consists of the Executive Director of the Office of Economic Development and the members of the Commission on Tourism of the Department of Tourism and Cultural Affairs. **Section 10** also establishes the requirements that govern the meetings of the Commission.

Section 11 of this bill creates the Nevada Air Service Development Fund and provides that the Commission may accept monetary gifts, grants and donations from any source for deposit in the Fund. **Section 11** further provides for the management of the money in the Fund and authorizes the Commission to award grants of money from the Fund to certain air carriers that meet the requirements of **section 13** of this bill. **Section 12** of this bill provides that the Commission shall administer the Fund.

Section 13 requires the Commission to establish a program for the award of grants of money from the Fund to air carriers who will serve, or enhance service to, small airports, ~~for~~ nonhub airports or certain large hub airports

in this State for the purpose of recruiting, retaining, stabilizing and expanding regional air service in this State.

Section 14 of this bill establishes criteria for awarding grants of money from the Fund to certain air carriers. **Section 14** provides that a grant of money from the Fund must be used to pay the costs associated with an agreement entered into between the Commission and an air carrier for the air carrier to commence or continue air service to a certain airport in exchange for a guarantee of receiving certain revenue or subsidies from the Commission. **Section 14** further provides that: (1) a grant of money from the Commission must pay 80 percent of the cost of the guarantee; and (2) a local air service development entity ~~or an airport receiving service or increased service for the governing body of the local government having jurisdiction over such an airport~~ must pay the remaining 20 percent of the cost of such a guarantee in the form of in-kind contributions.

Section 15 of this bill makes an appropriation to the Nevada Air Service Development Fund.

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

Section 1. 1. The Legislature hereby finds and declares that:

(a) Section 9 of Article 8 of the Nevada Constitution contains a provision commonly known as a “gift clause” which restricts the State under certain circumstances from donating or loaning the State’s money or credit to any company, association or corporation, except corporations formed for educational or charitable purposes.

(b) In *Employers Insurance Company of Nevada v. State Board of Examiners*, 117 Nev. 249, 258 (2001), the Nevada Supreme Court held that the State loans its credit in violation of Section 9 of Article 8 of the Nevada Constitution only when the State acts as a surety or guarantor for the debts of a company, corporation or association.

(c) In *Lawrence v. Clark County*, 127 Nev. 390, 405 (2011), the Nevada Supreme Court held that the State does not donate, loan or “gift” its money in violation of Section 9 of Article 8 of the Nevada Constitution when the State dispenses state funds for a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation of the state funds.

(d) In *McLaughlin v. Housing Authority of the City of Las Vegas*, 68 Nev. 84, 93 (1951), and *Lawrence v. Clark County*, 127 Nev. 390, 399 (2011), the Nevada Supreme Court held that when the Legislature authorizes a state agency to dispense state funds:

(1) The courts will carefully examine whether the Legislature made an informed and appropriate finding that dispensation of the state funds serves a public purpose and the State receives a valuable benefit or fair consideration in exchange for the dispensation;

(2) The courts will give great weight and due deference to the Legislature's finding, and the courts will uphold the Legislature's finding unless it clearly appears to be erroneous and without reasonable foundation; and

(3) The courts will closely examine whether the dispensing state agency reviews all facts, figures and necessary information when making the dispensation, and when the state agency has done so, it will not be second-guessed by the courts.

2. The Legislature hereby further finds and declares that:

(a) The state program developed and carried into effect pursuant to this act will not result in the State acting as a surety or guarantor of the debts of an air carrier receiving a grant of money.

(b) The purpose of this act is to develop and carry into effect a state program to encourage air carriers to resume, retain or enhance the provision of commercial air service to and from small hub airports, ~~and~~ nonhub airports **and large hub airports** that serve rural communities in this State.

(c) The provisions of this act are intended to serve an important public purpose and ensure that the State receives valuable benefits and fair consideration in exchange for each grant of money from the program because:

(1) The program requires the dispensing state agency to review all facts, figures and necessary information when making each grant of money from the program to determine whether the grant will provide economic benefit to the State;

(2) The provision of air transportation service to and from small hub airports and nonhub airports enables the citizens and businesses of this State to travel more efficiently, and at lower cost, to and from the rural communities in this State; and

(3) The dispensing state agency may not make a grant of money from the program unless the agency receives a commitment from the air carrier receiving the grant to commence or continue air service to a designated small hub airport ~~or~~, a nonhub airport ~~or~~ **or a large hub airport that services small hub airports and nonhub airports.**

Sec. 2. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. *As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Air carrier" means a person who provides commercial air transportation to passengers.*

Sec. 5. *"Commission" means the Nevada Air Service Development Commission created by section 10 of this act.*

Sec. 6. *"Fund" means the Nevada Air Service Development Fund created by section 11 of this act.*

Sec. 6.5. *"Large hub airport" has the meaning ascribed to it in 49 U.S.C. § 47102.*

Sec. 7. “Local air service development entity” means:

1. A ~~regional~~ tourism or development ~~authority~~ organization;
2. An organization formed to encourage increased air service ~~for small communities~~ in this State; or
3. ~~Any other person who receives the benefit of increased air service for small communities in this State.~~ A chamber of commerce.

Sec. 8. “Nonhub airport” has the meaning ascribed to it in 49 U.S.C. § 47102.

Sec. 9. “Small hub airport” has the meaning ascribed to it in 49 U.S.C. § 47102.

Sec. 10. 1. There is hereby created the Nevada Air Service Development Commission, consisting of:

- (a) The Executive Director; and
- (b) The members of the Commission on Tourism as provided in NRS 231.170.

2. At the first meeting of each fiscal year, the Commission shall elect from among its members a Chair, a Vice Chair and a Secretary.

3. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.

4. A majority of the members of the Commission constitutes a quorum for the transaction of all business.

Sec. 11. 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund.

2. The Commission may accept gifts, grants and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in section 13 of this act.

Sec. 12. The Commission shall:

1. Administer the Fund; and
2. Adopt any regulations necessary or convenient to carry out the provisions of sections 3 to 14, inclusive, of this act.

Sec. 13. 1. The Commission shall develop a program to provide grants of money from the Fund to an air carrier that will service or provide enhanced air service ~~to a commercial~~ routes that service an airport that is:

(a) A small hub airport ~~or~~, a nonhub airport ~~or~~ or, if the air carrier provides air service through a large hub airport that services small hub airports and nonhub airports, a large hub airport; and

(b) Certified by the Federal Aviation Administration of the United States Department of Transportation pursuant to 14 C.F.R. Part 139.

2. An application for a grant of money from the Fund must be in the form prescribed by the Commission and must include, without limitation:

(a) A statement designating the small hub airport, ~~for~~ nonhub airport or large hub airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;

(b) Commitments from the air carrier that if the Commission awards the grant to the air carrier, the air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection 2 of section 14 of this act; ~~and~~

(c) The amount of the in-kind contribution from a local air service development entity, ~~for~~ or the airport designated in the application ~~for the governing body of the local government that has jurisdiction over the airport pursuant to subsection 3 of section 14 of this act~~ and the method in which the contribution will be provided ~~for~~; and

(d) Letters of support from each airport that participates in the air service route offered by an air carrier pursuant to subsection 1.

Sec. 14. 1. The Commission may make a grant of money from the Fund if the Commission finds that the grant will:

(a) Enable an air carrier to commence or continue air service to a small hub airport, ~~for~~ nonhub airport ~~for~~ or large hub airport described in subsection 1 of section 13 of this act; and

(b) Provide economic benefit to this State.

2. The Commission may make a grant of money from the Fund only to:

(a) Guarantee that an air carrier will receive an agreed amount of revenue per flight that the air carrier operates into or out of the airport designated in the application pursuant to paragraph (a) of subsection 2 of section 13 of this act; or

(b) ~~Guarantee that the air carrier will charge a reduced or subsidized price to customers who use the air carrier to travel to or from the airport designated in the application pursuant to paragraph (a) of subsection 2 of section 13 of this act; or~~

~~(c) Guarantee a profit goal for the air carrier that is established by agreement between the air carrier and the Commission.~~

3. A grant of money awarded from the Fund must pay 80 percent of the cost of a guarantee described in subsection 2. The remaining 20 percent of the cost of the guarantee must be paid by:

(a) A local air service development entity; or

(b) The airport designated in the application pursuant to paragraph (a) of subsection 2 of section 13 of this act. ~~for~~

~~(c) The governing body of the local government that has jurisdiction over the airport.~~

4. *The contribution to the cost of the guarantee pursuant to subsection 3 from the local air service development entity ~~for~~ or airport, ~~for governing body,~~ as applicable:*

(a) *Must not violate federal law or any regulations or guidelines adopted by the Federal Aviation Administration of the United States Department of Transportation; and*

(b) *Must be in the form of an in-kind contribution, which may include, without limitation:*

(1) *A waiver or reduction in favor of the air carrier:*

(I) *Of rent for the use of the terminal;*

(II) *For landing fees; or*

(III) *For other airport charges or taxes; or*

(2) *Marketing and advertising services provided by the local air service development entity ~~for~~ or airport ~~for local government~~ to the air carrier.*

Sec. 15. 1. There is hereby appropriated from the State General Fund to the Nevada Air Service Development Commission created by section 10 of this act the following sums for deposit in the Nevada Air Service Development Fund created by section 11 of this act:

For the Fiscal Year 2019-2020 \$1,000,000

For the Fiscal Year 2020-2021 \$1,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 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.

Sec. 16. ~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~

(Deleted by amendment.)

Sec. 17. This act becomes effective upon passage and approval.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 317.

SUMMARY—Allows the imposition of **rate increases for** certain taxes in a county to fund capital projects of the school district based on the

recommendations of ~~the Public Schools Overcrowding and Repair Needs Committee~~ **an advisory committee** and voter approval. (BDR S-1008)

AN ACT relating to taxation; authorizing the board of trustees of a school district under specified circumstances to adopt a resolution establishing the formation of ~~the Public Schools Overcrowding and Repair Needs Committee~~ **an advisory committee** to recommend the imposition of certain ~~taxes~~ **tax rate increases** to fund the capital projects of the school district; ~~providing that if such a Committee is formed and submits its recommendations to~~ **authorizing** the board of ~~county commissioners within the time prescribed,~~ **trustees of a school district to transmit the recommendations of such a committee to** the board of county commissioners ~~if required~~ ; **authorizing the board of county commissioners** to submit a question to the voters at the next general election asking whether the recommended ~~taxes~~ **rate increases** should be imposed in the county; requiring the board of county commissioners to adopt an ordinance imposing any such ~~taxes~~ **rate increases** that are approved by the voters; providing for the use of the proceeds of such ~~taxes~~ **rate increases** for certain school purposes; providing for the prospective expiration of the authority of a board of trustees to establish such a ~~Committee~~ **committee**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2015 Legislative Session, the Legislature enacted Senate Bill No. 411, which authorized the board of trustees of certain school districts to establish by resolution a Public Schools Overcrowding and Repair Needs Committee to recommend the imposition of certain taxes for consideration by the voters at the 2016 General Election to fund the capital projects of the school district. The authority to establish such a Committee expired by limitation on April 2, 2016.

Section 1 of this bill authorizes the board of trustees of a school district to establish by resolution ~~the Public Schools Overcrowding and Repair Needs Committee~~ **an advisory committee** to recommend ~~the imposition~~ **an increase in the rate** of certain taxes for consideration by the voters at a general election held not later than the November 8, 2022, General Election, to fund the capital projects of the school district. Under this bill, ~~the Committee~~ **an advisory committee** may not be established by the board of trustees of a school district **which established a Public Schools Overcrowding and Repair Needs Committee, which is located** in a county ~~in which there is imposed~~ **authorized to impose** for the benefit of ~~the~~ **the school district a tax on residential construction, or which is located in a county in which there is imposed for the benefit of the school district** a tax on the gross receipts from the rental of transient lodging or a tax on transfers of real property, or both.

~~Sections 2 and 3~~ **Section 2** of this bill ~~provide~~ **provides** that if such ~~the~~ **an advisory committee** is established, the ~~Committee~~ **advisory committee** may recommend the imposition of one or more ~~of the following~~

taxes: (1) an additional tax on the gross receipts from the rental of transient lodging in the county; (2) a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county; (3) an additional tax on the transfer of real property in the county; (4) an additional sales and use tax in the county; and (5) an additional property tax in the county. **rate increases for any tax which is imposed in the county for the benefit of the school district.** The recommendations of the ~~Committee~~ **advisory committee** must specify the **increase in** rate or rates for each of the ~~recommended~~ **taxes for which a rate increase is recommended** and ~~may specify~~ the period during which the recommended ~~taxes~~ **rate increases** will be imposed. If the ~~Committee~~ **advisory committee** submits its recommendations to the board of ~~county commissioners~~ **trustees of the school district** by April 2, 2022, the board of **trustees is authorized to transmit the recommendations to the board of** county commissioners. ~~is required to~~ **The board of county commissioners is authorized to** submit a question to the voters at the next general election asking whether any of the ~~taxes~~ **rate increases** recommended by the ~~Committee~~ **advisory committee** should be imposed in the county. If a majority of the voters approve the question, the board of county commissioners is required to impose the approved ~~taxes~~ **rate increases** at the rate **and for the period** specified in the question submitted to the voters. If a majority of the voters approve the imposition of an additional property tax, the additional rate is exempt from the partial abatement of property taxes on certain property and the requirement that taxes ad valorem not exceed \$3.64 on each \$100 of assessed valuation.

Section 4 of this bill provides that the proceeds resulting from the imposition of such ~~taxes~~ **rate increases**: (1) must be deposited in the fund for capital projects of the school district; and (2) may be pledged to the payment of the principal and interest on bonds or other obligations issued for certain school purposes.

Section 5 of this bill provides that the provisions of this bill authorizing the board of trustees of a school district to establish such ~~a Public Schools Overcrowding and Repair Needs Committee~~ **an advisory committee** expire by limitation on April 2, 2022.

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

Section 1. 1. The board of trustees of a school district, other than a school district **which established a Public Schools Overcrowding and Repair Needs Committee pursuant to section 1 of chapter 425, Statutes of Nevada 2015, at page 2444, which is** located in a county ~~in which there is imposed~~ **not authorized to impose a residential construction tax pursuant to NRS 387.331** for the benefit of the school district, **or which is located in a county in which there is imposed for the benefit of the school district** a tax on the gross receipts from the rental of transient lodging or a tax on

transfers of real property pursuant to chapter 375 of NRS, or both, may, by resolution, establish ~~the Public Schools Overcrowding and Repair Needs Committee~~ **an advisory committee** to recommend the ~~imposition~~ **increase** of **the rate of** one or more of the taxes described in section ~~131 2~~ **2** of this act for consideration by the voters at a general election to fund the capital projects of the school district. If such a resolution is adopted, the ~~Committee must be appointed~~ **board of trustees shall appoint the members of the advisory committee**, consisting of ~~the~~ **the**

~~(a) The superintendent of schools of the school district, who serves ex officio, or his or her designee.~~

~~(b) One Senator whose legislative district includes all or part of the school district. If the legislative district of more than one Senator includes the school district, those Senators shall jointly appoint the member to serve.~~

~~(c) One member of the Assembly whose legislative district includes all or part of the school district. If the legislative district of more than one member of the Assembly includes the school district, those members of the Assembly shall jointly appoint the member to serve.~~

~~(d) One member who is a representative of the Nevada Association of Realtors, appointed by that Association.~~

~~(e) One member who is a representative of the Retail Association of Nevada, appointed by that Association.~~

~~(f) One member appointed by the board of county commissioners.~~

~~(g) If the county includes one or more cities, the mayor of each such city shall appoint a member to serve.~~

~~(h) If applicable to the county, one member of the oversight panel for school facilities established pursuant to NRS 393.092 or 393.096, appointed by the chair of the panel.~~

~~(i) One member who is a representative of a labor organization, appointed by the State of Nevada AFL-CIO.~~

~~(j) One member who is a representative of the largest organization of licensed educators in the county, appointed by that organization.~~

~~(k) One member of the general public, appointed by the parent teacher association with the largest membership in the county.~~

~~(l) One member who represents economic development in the county, appointed by the regional development authority, as defined in NRS 231.009, for that county.~~

~~(m) One member who represents gaming, appointed by the gaming association with the largest membership in the county or, if there are no members of a gaming association in the county, the board of trustees.~~

~~(n) One member who represents business or commercial interests, other than gaming, appointed by the local chamber of commerce with the largest membership in the county or, if there is no local chamber of commerce in the county, the board of trustees.~~

~~(o) One member who represents homebuilders in the county, appointed by the association of homebuilders with the largest membership in the county or,~~

~~if there are no members of an association of homebuilders in the county, the board of trustees.~~ **persons who represent a variety of interests within the community, including, without limitation, seniors, veterans, low-income persons, businesses and realtors.**

2. The members appointed pursuant to ~~paragraphs (d) to (e), inclusive, of~~ subsection 1 must be residents of the county.

3. Any vacancy occurring in the ~~appointed~~ membership of ~~a Committee~~ **an advisory committee** established pursuant to subsection 1 must be filled ~~in the same manner as the original appointment~~ not later than 30 days after the vacancy occurs.

4. If ~~a Committee~~ **an advisory committee** is established pursuant to subsection 1, the ~~Committee~~ **advisory committee** shall hold its first meeting upon the call of the superintendent of schools of the school district as soon as practicable after the appointments are made pursuant to subsection 1. At the first meeting of the ~~Committee~~ **advisory committee**, the members of the ~~Committee~~ **advisory committee** shall elect a chair.

5. A majority of ~~a Committee~~ **an advisory committee** established pursuant to subsection 1 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 ~~Committee~~ **advisory committee**.

6. If ~~a Committee~~ **an advisory committee** is established pursuant to subsection 1, the superintendent of schools of the school district shall provide administrative support to the ~~Committee~~ **advisory committee**.

Sec. 2. 1. If ~~a Public Schools Overcrowding and Repair Needs Committee~~ **an advisory committee** is established pursuant to subsection 1 of section 1 of this act, such ~~a Committee~~ **an advisory committee** shall, on or before April 2, 2022:

(a) Prepare recommendations for the ~~imposition~~ **increase** of one or more of the taxes ~~described in section 3 of this act~~ **imposed** in the county **for the benefit of the school district and the use of the proceeds of the increased tax or taxes** to provide funding for the school district for the purposes set forth in subsection 1 of NRS 387.335. The recommendations must specify the proposed rate or rates for each of the ~~recommended~~ taxes **for which a rate increase is recommended** and ~~may specify~~ the period during which one or more of the recommended ~~taxes~~ **tax rate increases** will be imposed.

(b) Submit the recommendations to the ~~board of county commissioners~~ **board of trustees of the school district which established the advisory committee. The board of trustees may submit the recommendations of the advisory committee to the board of county commissioners of the county in which the school district is located.**

2. Upon the receipt of recommendations pursuant to subsection 1, the board of county commissioners ~~shall~~ **may**, at the next general election following the receipt of the recommendations, submit a question to the voters of the county asking whether any of the recommended ~~taxes~~ **tax rate increases** should be imposed in the county. The question submitted to the

voters of the county must specify the proposed rate or rates for each of the ~~recommended~~ taxes **for which a rate increase was recommended** and the period during which each of the recommended ~~taxes~~ **tax rate increases** will be imposed. ~~If the period was specified in the recommendations submitted pursuant to subsection 1.~~ If the question submitted to the voters pursuant to this subsection asks the voters of the county whether to ~~impose~~ **increase the rate of** the tax ~~described in subsection 5 of section 3 of this act,~~ **levied in accordance with NRS 387.195**, the question must state that any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724 and that the rate of the tax must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

3. If a majority of the voters voting on the question submitted to the voters pursuant to subsection 2 vote affirmatively on the question:

(a) The board of county commissioners shall impose ~~the~~ **each** recommended tax ~~for taxes in accordance with the provisions of section 3 of this act and~~ **rate increase** at the rate or rates **and for the period** specified in the question submitted to the voters pursuant to subsection 2.

(b) If the question recommended ~~the imposition~~ **an increase in the rate** of the tax ~~described in subsection 5 of section 3 of this act,~~ **levied in accordance with NRS 387.195:**

(1) Any such tax imposed is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

(2) The provisions of NRS 361.453 do not apply to any such tax imposed.

(c) ~~The~~ **Each** tax ~~for taxes~~ **rate increase** shall be imposed notwithstanding the provisions of any specific statute to the contrary and, except as otherwise specifically provided in **this section and** sections 1 ~~to~~ **and 4, inclusive,** of this act, **each** such tax ~~for taxes are~~ **rate increase is** not subject to any limitations set forth in any statute which authorizes the board of county commissioners to impose such tax or taxes, including, without limitation, any limitations on the maximum rate or rates which may be imposed or the duration of the period during which such taxes may be imposed.

~~Sec. 3. H. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts from the rental of transient lodging, in addition to all other taxes imposed on the revenue from the rental of transient lodging, the board of county commissioners shall impose a tax on the gross receipts from the rental of transient lodging at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be imposed throughout the county, including its incorporated cities, upon all persons in the business of providing transient lodging. The tax must be administered and enforced in the same manner as similar taxes imposed pursuant to chapter 244 of NRS on the revenue from the rental of transient lodging are administered and enforced.~~

~~2. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a supplemental governmental services tax for the privilege of operating a vehicle upon the public streets, roads and highways of the county, the board of county commissioners shall, in addition to any supplemental governmental services tax imposed pursuant to NRS 371.043 or 371.045, impose a supplemental governmental services tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each vehicle based in the county except:~~

~~(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or~~

~~(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.~~

~~* The tax must be administered and enforced in the same manner as the taxes imposed pursuant to NRS 371.043 and 371.045 are administered and enforced.~~

~~3. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on transfers of real property, in addition to all other taxes imposed on transfers of real property pursuant to chapter 375 of NRS, the board of county commissioners shall impose a tax at the rate specified in the question presented to the voters pursuant to section 2 of this act on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, or land sale installment contract, if the consideration or value of the interest or property conveyed exceeds \$100. The amount of the tax must be computed on the basis of the value of the real property that is the subject of the transfer or land sale installment contract as declared pursuant to NRS 375.060. The county recorder shall collect the tax in the manner provided in NRS 375.030.~~

~~4. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending the imposition of a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, the board of county commissioners shall impose the tax at the rate specified in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the taxes imposed pursuant to chapter 374 of NRS are administered and enforced.~~

~~5. Upon approval of the registered voters of a county voting on a question presented to the voters pursuant to section 2 of this act recommending an increase in the rate of the tax levied in accordance with NRS 387.195, the board of county commissioners shall, in addition to any tax levied in accordance with NRS 387.195, levy a tax on the assessed valuation of taxable property within the county in the amount described in the question presented to the voters pursuant to section 2 of this act. The tax must be administered and enforced in the same manner as the tax imposed pursuant to NRS 387.195 is administered and enforced. (Deleted by amendment.)~~

Sec. 4. The proceeds of ~~any~~ **each** tax ~~for taxes~~ **rate increase** imposed pursuant to ~~sections~~ **section 2** ~~and 3~~ of this act:

1. Must be deposited in the school district's fund for capital projects established pursuant to NRS 387.328, to be held and, except as otherwise provided in subsection 2, expended in the same manner as other money deposited in that fund.

2. May be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of **each** such ~~taxes~~ **tax rate increase** so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

3. May not be used:

(a) To settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations; or

(b) To adjust the district-wide schedule of salaries and benefits of the employees of a school district.

Sec. 5. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on April 2, 2022.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time.

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

Amendment No. 415.

ASSEMBLYMEN FRIERSON, MONROE-MORENO, THOMPSON, YEAGER, BENITEZ-THOMPSON; **BACKUS**, JAUREGUI AND SWANK

AN ACT relating to the care of children; authorizing the parent or guardian of a child to execute a power of attorney delegating to another person certain powers relating to the child; prohibiting a provider of foster care from providing overnight or regular and continuous care and supervision to a child who is the subject of such a power of attorney under certain circumstances; authorizing an agency which provides child welfare services to provide a referral to or information concerning certain community-based organizations to the parent or guardian of a child who is alleged to be a child in need of protection; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "foster home" to mean a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children. (NRS 424.014) Existing law

requires the Division of Child and Family Services of the Department of Health and Human Services to adopt regulations to establish requirements for the licensure of foster homes. (NRS 424.020) **Section 3** of this bill authorizes the parent or guardian of a child to execute a power of attorney to delegate to another person all power **of the parent or guardian** regarding health care, support, custody and property of the child, except for the power to consent to the marriage or adoption of the child, without having the child enter the child welfare system. **Section 3** authorizes such a delegation of power for: (1) a period during which the care and custody of the child is entrusted to a child care institution; (2) a period expiring 30 days after the parent or guardian returns from active duty in certain uniformed services; or (3) in all other cases, a period of not longer than 12 months. **Section 3** provides that a parent or guardian who executes such a power of attorney remains responsible for any act or omission of the person to whom power is delegated with respect to the affairs, property and person of the child. **Section 3** provides that a child who is the subject of such a power of attorney is not a foster child, and **section 2** of this bill provides that a person to whom power is delegated is not required to obtain a license as a foster family or to operate a foster home. **Section 1** of this bill prohibits a provider of foster care from providing overnight or regular and continuous care and supervision to a child who is the subject of such a power of attorney while also providing care to a child placed in the foster home by the agency which provides child welfare services or the order of a juvenile court.

Existing law requires a court to hold an adjudicatory hearing on a petition alleging that a child is in need of protection. (NRS 432B.530) **Section 4** of this bill authorizes the agency which provides child welfare services to: (1) upon a finding that the allegations in the petition have been established, refer the parent or guardian of the child to a community-based organization that provides respite care, voluntary guardianship or other support services for families in crisis; or (2) upon a finding that the allegations in the petition have not been established, provide the parent or guardian of the child with information concerning such an organization.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 2, a provider of foster care shall not provide overnight or regular and continuous care and supervision to a child who is the subject of a power of attorney executed pursuant to section 3 of this act while providing care to a child placed in the foster home by the agency which provides child welfare services or the order of a juvenile court.*

2. The agency which provides child welfare services may grant a provider of foster care an exemption from the provisions of subsection 1 upon a showing of good cause.

Sec. 2. NRS 424.090 is hereby amended to read as follows:

424.090 1. The provisions of NRS 424.020 to 424.090, inclusive, **and section 1 of this act** do not apply to homes in which:

(a) Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

(b) Care is provided by the legal guardian.

(c) Care is provided for an exchange student.

(d) Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

(e) Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

(f) Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

(g) Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

(1) The caregiver is related to the child within the fifth degree of consanguinity or a fictive kin; and

(2) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~††~~, **and section 1 of this act.**

(h) Care is provided by a person to whom power is delegated under a power of attorney executed pursuant to section 3 of this act to a minor child who is the subject of the power of attorney.

2. As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.

Sec. 3. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The~~ Except as otherwise provided in subsection 2, the parent or guardian of a child may execute a power of attorney to delegate to another person all power of the parent or guardian regarding health care, support, custody or property of the child, except for the power to consent to the marriage or adoption of the child. Such a power of attorney may be entered into for:

(a) Any period during which the care and custody of the child is entrusted to a child care institution by the parent or guardian;

(b) If the parent or guardian of the child is a member of the uniformed service who is placed on active duty, the period of active duty plus an additional 30 days after the parent or guardian returns from active duty; or

(c) In all other cases, not longer than 12 months.

2. A parent or guardian may not execute a power of attorney pursuant to subsection 1:

(a) For a child who has been taken into protective custody pursuant to NRS 432B.390; or

(b) With the intent of permanently relinquishing his or her rights to a child that he or she adopted.

3. Any power of attorney executed pursuant to paragraph (b) of subsection 1 must specify the estimated date on which the parent or guardian will begin active duty and the estimated date on which active duty will end.

~~3.4~~ **4. A parent or guardian who executes a power of attorney pursuant to subsection 1 remains responsible for any act or omission of the person to whom power is delegated with respect to the affairs, property and person of the child. A child who is the subject of such a power of attorney shall not be deemed to be a foster child and the person to whom the power of attorney is executed is not required to obtain a license as a foster family or to operate a foster home.**

~~4.1~~ **5. Unless otherwise stated in the power of attorney, a delegation of power pursuant to subsection 1 may be revoked by the parent or guardian who executed it at any time by a written revocation that:**

(a) Identifies the power of attorney to be revoked; and

(b) Is signed by the parent or guardian who executed the power of attorney.

~~5.1~~ **6. A power of attorney executed pursuant to subsection 1 does not abrogate the custodial rights of any person having custody of the child other than the parent or guardian who executed the power of attorney.**

7. As used in this section:

(a) “Child care institution” has the meaning ascribed to it in NRS 432A.0245.

(b) “Uniformed service” means:

(1) Active and reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States;

(2) The Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States; or

(3) The National Guard.

Sec. 4. NRS 432B.530 is hereby amended to read as follows:

432B.530 1. An adjudicatory hearing must be held within 30 days after the filing of the petition, unless good cause is shown or the hearing has been continued until a later date pursuant to NRS 432B.513.

2. At the hearing, the court shall inform the parties of the specific allegations in the petition and give them an opportunity to admit or deny them. If the allegations are denied, the court shall hear evidence on the petition.

3. In adjudicatory hearings, all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative

value. The parties or their attorney must be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when reasonably available.

4. The court may require the child to be present in court at the hearing.

5. If the court finds by a preponderance of the evidence that the child was in need of protection at the time of the removal of the child from the home, it shall record its findings of fact and may proceed immediately or at another hearing held within 15 working days, to make a proper disposition of the case. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and, if the child is in protective custody, order the immediate release of the child.

6. The findings of fact recorded by the court pursuant to subsection 5 and any specific allegations in the petition admitted to by the parties must be included as part of the disposition of the case in the report required to be made to the Central Registry pursuant to NRS 432B.310.

7. *If the court finds that the allegations in the petition:*

(a) *Have been established, the agency which provides child welfare services may refer the parent or guardian of the child to a community-based organization that provides respite care, voluntary guardianship or other support services for families in crisis, as appropriate to meet the needs of the family.*

(b) *Have not been established, the agency which provides child welfare services may provide to the parent or guardian of the child information concerning a community-based organization described in paragraph (a), as appropriate for the needs of the family.*

Sec. 5. 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. 259.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 151.

AN ACT relating to elections; revising the circumstances under which candidates of major political parties appear on or are omitted from the ballot at primary elections; revising provisions governing primary elections for ~~certain judicial~~ candidates; ~~+~~ **for nonpartisan offices**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a major political party has only one candidate for a particular office, the name of the candidate does not appear on the ballot at the primary election but appears on the ballot at the general election. If a major political party has two or more candidates for a particular office, there must be a primary election where the person who receives the highest number of votes is declared the nominee of that party for the office. (NRS 293.260) ~~(This)~~ **Section 1 of this** bill revises the circumstances under which candidates of a major political party either appear on the ballot at the primary election or are omitted from the ballot at the primary election and appear on the ballot at the general election when there are multiple candidates for the major political party.

First, **section 1 of** this bill provides that if two or more major political parties have candidates for a particular office and at least one of the major political parties has multiple candidates for the office, the candidates of the major political parties with multiple candidates for the office appear on the ballot at the primary election of their respective parties. The candidates who receive the highest number of votes at the primary election of their respective parties are declared the nominees of those parties and appear on the ballot at the general election with any other candidates for the office who are entitled by law to be placed on the ballot at the general election such as: (1) any candidate of a major political party that did not have a primary election because it had only one candidate for the office; (2) any candidate for the office nominated by a minor political party who has filed for the office; and (3) any independent candidate who has filed for the office.

Second, **section 1 of** this bill provides that if only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office but there is at least one candidate nominated by a minor political party who filed for the office or one independent candidate who has filed for the office, the candidates of the major political party must appear on the ballot at the primary election. The major political party candidate who receives the highest number of votes at the primary election is the nominee of that party and appears on the ballot at the general election along any other candidates for the office who are entitled by law to be placed on the ballot at the general election.

Third, **section 1 of** this bill provides that if only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office, and there are no candidates who were nominated by a minor political party or who filed for the office after being so nominated and no independent candidates filed for the office, the candidates of the major political party are subject to the following rules: (1) if there are not more than twice the number of candidates to be elected to that office, the candidates do not appear on the ballot at the primary election but do appear on the ballot at the general election; or (2) if there are more candidates than twice the number to be elected to that office, the candidates appear on the ballot at

the primary election, and the candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, are declared the nominees for the office and appear on the ballot at the general election.

Under existing law, **the following elected offices are designated as nonpartisan offices: judicial offices, school offices, the office of county sheriff, the Board of Regents of the University of Nevada, city and town officers, the State Board of Education and members of boards of hospital trustees of public hospitals. (NRS 293.195) Existing law in the Nevada Constitution also provides that candidates for the following judicial offices must be elected by the qualified electors at the general election: judges of a district court, judges of the Court of Appeals and justices of the Supreme Court. (Nev. Const. Art. 6, §§ 3, 3A, 5)**

With regard to the election of candidates for any nonpartisan office, existing law provides that if there are more than twice the number of candidates at a primary election for the nonpartisan office, ~~for judge of a district court, judge of the Court of Appeals or justice of the Supreme Court,~~ the names of candidates appear on the ballot at the primary election. ~~##~~ **The candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, are declared the nominees for the nonpartisan office and the names of those candidates are placed on the ballot at the general election. However, existing law also includes an exception which provides that if** one of the candidates receives a majority of votes cast in the primary election for ~~such office, that~~ **: (1) the nonpartisan office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the** candidate is declared the only nominee for that office and only his or her name is placed on the ballot at the general election. ~~##~~ **; or (2) any other nonpartisan office, the candidate is declared elected to the office and his or her name is not placed on the ballot at the general election. (NRS 293.260) ~~This~~**

Section 1 of this bill removes ~~this provision~~ the exception from existing law so that those candidates who receive the highest number of votes at the primary election for ~~the~~ **any nonpartisan office, for judge of a district court, judge of the Court of Appeals or justice of the Supreme Court,** not to exceed twice the number to be elected, are declared **the** nominees for the office and appear on the ballot at the general election regardless of whether one candidate received a majority of votes cast in the primary election for that **nonpartisan** office. **Sections 2-24 of this bill make conforming changes to existing statutes and provisions of city charters that apply to municipal elections.**

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

Section 1. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If ~~if a major political party has~~ two or more *major political parties have* candidates for a particular office ~~if the person who receives~~ *and at least one of the major political parties has multiple candidates for the office, the names of the candidates of the major political parties with multiple candidates for the office must appear on the ballot at the primary election of their respective parties. The candidates who receive the highest number of votes at the primary election of their respective parties must be declared the* ~~nominee~~ *nominees of* ~~that major political party~~ *those parties for the office* ~~if~~, *and their names must be placed on the ballot at the general election with the names of any other candidates for the office who are entitled by law to be placed on the ballot at the general election.*

3. *If only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office but at least one minor political party has nominated a candidate* ~~for the office and any such candidate~~ *who has filed a declaration of candidacy for the office pursuant to NRS 293.1725, or at least one independent candidate has filed a declaration of candidacy for the office pursuant to NRS 293.200, the names of the candidates of the major political party must appear on the ballot at the primary election of the major political party. The candidate who receives the highest number of votes at the primary election of the major political party must be declared the nominee of that party, and his or her name must be placed on the ballot at the general election with the name of each other candidate for the office who is entitled by law to be placed on the ballot at the general election.*

4. *If only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office, and no minor political party has nominated a candidate* ~~for the office or no such candidate~~ *who has filed a declaration of candidacy for the office pursuant to NRS 293.1725, and no independent candidate has filed a declaration of candidacy for the office pursuant to NRS 293.200, then:*

(a) *If there are not more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office, and their names must be omitted from the ballot at the primary election of the major political party and placed on the ballot at the general election.*

(b) *If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot at the primary election of the major political party. The candidates of that party who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared*

the nominees for the office, and their names must be placed on the ballot at the general election.

5. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election. ~~and~~

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election. ~~and~~

(c) The office of member of a town advisory board, the candidate must be declared elected to the office, and no election must be held for that office.

~~4.~~ 6. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for ~~the~~ the primary election and placed on all ballots for the general election.

~~5.~~ 7. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office, and the names of those candidates must be placed on the ballot for the general election. ~~except that if one of those candidates receives a majority of the votes cast in the primary election for:~~

~~(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.~~

~~(b) Any other *the* nonpartisan office, *other than the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court*, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.~~

Sec. 2. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city

election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

~~4. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.~~

Sec. 3. NRS 293C.180 is hereby amended to read as follows:

293C.180 1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected, and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if ~~not~~ **a city is required by NRS 293C.175 or any other law or by any city charter or ordinance to hold a primary city election and there are:**

(a) Not more than twice the number of candidates to be elected ~~have filed for nomination for~~ **to** an office, **the candidates must, without a primary city election, be declared the nominees for the office, and** the names of ~~those~~ **the** candidates must be omitted from all ballots for ~~the~~ **the** primary city election and placed on all ballots for ~~the~~ **the** general city election.

~~3. If more~~

(b) More than twice the number of candidates to be elected ~~have filed for nomination for~~ **to** an office, the names of the candidates must appear on the ballot for ~~the~~ **the** primary city election. ~~Except as otherwise provided in subsection 4 of NRS 293C.175, those~~ **Those** candidates who receive the highest number of votes at ~~that~~ **the primary city** election, not to exceed twice the number to be elected, must be declared nominees for the office, ~~and~~ **and** **the names of those candidates must be placed on all ballots for the general city election.**

3. The provisions of this section supersede and preempt any conflicting provisions of a city charter regarding the omission or the placement of the names of candidates on ballots for any required primary city election or

general city election, regardless of the date of the enactment or amendment of the conflicting provisions of the city charter.

Sec. 4. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter;

(b) All other provisions of the general election laws of ~~the~~ this State of Nevada, so far as those laws can be made applicable and are not inconsistent with the provisions of this Charter; and ~~any~~

(c) Any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection ~~18,~~ 7, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection ~~18,~~ 7, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the second Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. ~~If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)~~

~~7~~ In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

~~8~~ 7. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

~~9~~ 8. If the City Council adopts an ordinance pursuant to subsection ~~8~~ 7, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

~~10~~ 9. If the City Council adopts an ordinance pursuant to subsection ~~8~~ 7, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

~~11~~ 10. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 5. Section 5.020 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 66, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent with the provisions of this Charter.

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 6. Section 5.020 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 615, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 7. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for **the** statewide ~~elections, at which time there must be nominated candidates for offices to be voted for at the next general~~ **primary** election.

2. A candidate for any office to be voted for at ~~any~~ **the** primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

~~4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.~~

~~5. If in the primary election one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.~~

Sec. 8. Section 5.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 118, Statutes of Nevada 1985, at page 478, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under control of Clerk; Board regulations.

1. All elections ~~which are~~ held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, ~~as~~ **so** far as those laws can be made applicable and are not inconsistent with **the provisions of** this Charter.

2. The conduct of all municipal elections is under the control of the Clerk. For the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud, the Board shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 9. Section 5.020 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under control of City Council.

1. All elections held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections is under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 10. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

~~4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.~~

Sec. 11. Section 5.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2215, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~herewith.~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall by ordinance provide for the holding of the election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

Sec. 12. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. Except as otherwise provided in section 5.020:

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. The candidates for Council Member who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

~~6. If, in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.~~

Sec. 13. Section 5.030 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council's control.

1. All elections ~~which are~~ held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of ~~the~~ **this** State, ~~as~~ **so** far as those laws can be made applicable and are not inconsistent with **the provisions of** this Charter.

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall prescribe by ordinance all of the

regulations which it considers are desirable and consistent with law and this Charter for the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud.

Sec. 14. Section 5.020 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1885, is hereby amended to read as follows:

Sec. 5.020 Primary municipal election.

~~1.~~ A primary municipal election must be held on the second Tuesday in June in each even-numbered year pursuant to NRS 293.175, as amended from time to time.

~~2.~~ In a primary municipal election, if the number of votes a candidate receives is:

~~(a) Equal to or greater than a majority of the number of voters participating in the primary election for that seat, that candidate must be declared elected and the name of the candidate must not be placed on the ballot for the general municipal election.~~

~~(b) Less than a majority of the number of voters participating in the primary election for that seat, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.~~

~~3.~~ For the purposes of this section, a majority of the number of voters participating in a primary municipal election for a seat is determined as follows:

~~(a) If there is an even number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and adding one.~~

~~(b) If there is an odd number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and rounding up to the nearest whole number.~~

Sec. 15. Section 5.040 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:

Sec. 5.040 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~herewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections is under the control of the City Council.

3. The City Council shall by ordinance provide for the holding of a municipal election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

4. Notwithstanding any other provision of this Charter, the City Council may enter into an interlocal agreement with another public entity to conduct municipal elections or any portion thereof.

Sec. 16. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

~~3. Except as otherwise provided in subsection 4, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.~~

~~4. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.~~

Sec. 17. Section 5.030 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1224, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

~~(a)~~ **The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and**

~~(b)~~ **All other** provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections shall be prescribed by ordinance. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 18. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 584, Statutes of Nevada 2017, at page 4202, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. ~~If for any general election, there are three or more candidates for any office to be filled at that election,~~ **When required by the provisions of NRS 293C.180,** a primary election for any ~~such~~ office must be held on the date fixed by the election laws of the State for **the** statewide ~~elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general~~ **primary** election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.

3. In the primary election:

~~(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.~~

~~(b)~~ Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

~~(c)~~ **(b)** Candidates for Mayor, Municipal Judge, City Attorney and Council Member at large must be voted upon by all registered voters of the City.

Sec. 19. Section 5.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 9, Statutes of Nevada 1993, at page 23, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held ~~pursuant to~~ under this Charter must be governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~herewith,~~ with the provisions of this Charter.

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in those elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 20. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

~~1.~~ At the primary election:

~~(a)~~ 1. Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

~~(b)~~ 2. Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

~~2. Except as otherwise provided in subsection 3, the names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.~~

~~3. If at the primary election, regardless of the number of candidates for an office, one candidate receives the majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office. Such candidate shall enter upon his or her respective duties at the first regular City Council meeting next succeeding the meeting at which the canvass of the returns of the general election is made.~~

Sec. 21. Section 5.030 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws: Elections under City Council control.

1. All elections held ~~pursuant to~~ under this Charter must be governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 22. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. ~~Except as otherwise provided in subsection 3 of section 5.020, the~~ **The** officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 23. Section 5.020 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 469, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 24. Section 5.020 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws, elections under City Council control.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 25. The amendatory provisions of this act do not apply to or abrogate, alter or affect the results of any election conducted before January 1, 2020.

Sec. 26. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations, passing any ordinances and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

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. 261.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 336.

SUMMARY—Revises provisions relating to the safety of children in public schools. (BDR ~~(34-590)~~, S-590)

AN ACT relating to education; requiring the ~~development and provision of~~ reporting of certain information concerning training for certain educational personnel in personal safety of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety of children. (NRS 389.031) Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that instruction on the personal safety of children is carried out as part of a course of study in health and based on the standards developed by the Department. (NRS 389.064) ~~Sections 7 and 8 of this bill enact similar provisions to provide training related to the personal safety of children to certain educational personnel. Section 7 of this bill requires the Department to develop recommendations to assist a school district and charter school in developing a training plan concerning the personal safety of children. Such recommendations must include: (1) methods to report incidents related to the personal safety of children; (2) policies and procedures for the referral of a child with respect to such an incident; and (3) methods to address the needs of a child who has reported such an incident. Section 8 of this bill requires each board of trustees of a school district and each governing body of a charter school to: (1) develop a training plan pursuant to section 7; (2) provide such training; and (3) require each member of the governing body, administrator, teacher and any other person employed by the governing body to complete at least 1 hour of training related to the personal safety of children.~~ This bill requires the board of trustees of each school district and the governing body of each charter school to submit to the Department of Education certain information concerning the personal safety of children which includes: (1) training for teachers and administrators in the personal safety of children; and (2) incidents of child abuse or sexual abuse of a child. This bill also requires the Department to compile such information and submit a report to the Legislative Committee on Education.

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

Section 1. ~~Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.~~ (Deleted by amendment.)

Sec. 2. ~~As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 3. ~~“Administrator” means the principal, administrator or other person in charge of a school.~~ (Deleted by amendment.)

Sec. 4. ~~“Governing body” means the board of trustees of a school district or the governing body of a charter school.~~ (Deleted by amendment.)

Sec. 5. ~~“Personal safety of children” means an age-appropriate recognition of various hazards and dangers that are particular to children, including, without limitation, the danger associated with unsafe persons, both known and unknown to the child, abuse, sexual abuse or exploitation, becoming lost or separated from a parent or guardian, and an awareness of age-appropriate steps a child may take to avoid, lessen or alleviate those hazards and dangers, including, without limitation, reporting threats of harm to a responsible adult.~~ (Deleted by amendment.)

Sec. 6. ~~“School” means a public school, including, without limitation, a charter school.~~ (Deleted by amendment.)

Sec. 7. ~~1. The Department, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, shall develop recommendations to assist a governing body in developing a training plan to ensure that each member of the governing body, administrator, teacher and any person employed by the governing body receives training on the personal safety of children. Such recommendations must include:~~

~~—(a) Methods to prevent, identify and report incidents related to the personal safety of children;~~

~~—(b) Policies and procedures for the referral of a child who has reported or experienced an incident that threatened or could have threatened his or her personal safety, and his or her family or guardian, if appropriate, to various services, including, without limitation, counseling or available services or resources pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 389.031; and~~

~~—(c) Methods to address the needs of a child who has reported or experienced an incident that threatened or could have threatened his or her personal safety.~~

~~2. The Department shall review the standards and recommendations developed pursuant to subsection 1 on an annual basis to ensure that those standards and recommendations contain current information.~~ (Deleted by amendment.)

Sec. 8. ~~Each governing body shall:~~

~~1. Develop a training plan in the personal safety of children pursuant to section 7 of this act. The governing body may develop an expanded training plan if the expanded training plan complies with the recommendations prescribed in section 7 of this act.~~

~~2. Provide for the appropriate training of members of the governing body and all administrators, teachers and any other person employed by the governing body in accordance with the recommendations prescribed in section 7 of this act.~~

~~3. Require each member of the governing body, administrator, teacher and any other person employed by the governing body to complete at least 1 hour of training developed pursuant to this section. The training may be completed in person or online.~~

~~4. Review the plan developed pursuant to subsection 1 on an annual basis and update the plan if necessary. If the governing body updates the plan, the governing body must submit a copy of the updated plan to the Department within 30 days after the update.] (Deleted by amendment.)~~

Sec. 9. ~~NRS 389.031 is hereby amended to read as follows:~~

~~389.031 1. The Department, in consultation with persons and organizations who possess knowledge and expertise in the teaching of personal safety of children, shall develop:~~

~~(a) Age appropriate curriculum standards based on best practices for teaching the personal safety of children to pupils in kindergarten and grades 1 to 12, inclusive.~~

~~(b) Recommendations to assist a school district or charter school in developing:~~

~~(1) [A training plan to ensure that at least one employee at each school, as designated by the principal, receives training on the personal safety of children;~~

~~(2)] Educational materials and information to be distributed to parents, guardians or other caretakers of pupils regarding the personal safety of children and how and when to teach and reinforce concepts and skills of the personal safety of children; and~~

~~[(3)] (2) Policies and procedures for the referral of a child who has reported or experienced an incident that did or could have threatened his or her personal safety, and his or her family or guardian, if appropriate, to various services, including, without limitation, counseling or any other available services or resources.~~

~~(c) Recommendations of existing research-based programs and curriculum samples to be considered for implementation.~~

~~2. The Department will review the standards and recommendations developed pursuant to subsection 1 on an annual basis to ensure that those standards and recommendations contain current information.~~

~~3. The Department may apply for and accept grants, gifts, donations, bequests or devises from any public or private source to carry out the provisions of this section.~~

~~4. As used in this section, "personal safety of children" means an age appropriate recognition of various hazards and dangers that are particular to children, including, without limitation, the danger associated with unsafe persons, both known and unknown to the child, abuse, becoming lost or separated from a parent or guardian, and an awareness of age appropriate steps a child may take to avoid, lessen or alleviate those hazards and dangers, including, without limitation, reporting threats of harm to a responsible adult.]~~

~~(Deleted by amendment.)~~

Sec. 9.3. 1. The board of trustees of each school district and the governing body of each charter school shall submit to the Department of Education a report concerning recognizing and reporting child abuse, including child sexual abuse:

(a) With information from the 2019-2020 school year, on or before August 1, 2020; and

(b) With information from the 2020-2021 school year, on or before August 1, 2021.

2. Each report submitted pursuant to subsection 1 must contain information concerning:

(a) Training provided during the previous school year to teachers and administrators employed by the school district concerning the personal safety of children, including, without limitation:

(1) The amount of time that teachers and administrators received in such training;

(2) The number of administrators who received such training;

(3) The number of teachers who received such training; and

(4) A description of the content of the training; and

(b) The number of incidents of abuse or sexual abuse of a child disclosed or reported to a law enforcement agency.

3. The Department shall compile a report of the information received pursuant to subsection 2 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education:

(a) From the 2019-2020 school year, on or before August 1, 2020; and

(b) From the 2020-2021 school year on or before August 1, 2021.

4. As used in this section, “personal safety of children” means an age-appropriate recognition of various hazards and dangers that are particular to children, including, without limitation, the danger associated with unsafe persons, both known and unknown to the child, abuse, sexual abuse or exploitation, becoming lost or separated from a parent or guardian, and an awareness of age-appropriate steps a child may take to avoid, lessen or alleviate those hazards and dangers, including, without limitation, reporting threats of harm to a responsible adult.

Sec. 9.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provisions of this act which adds or revises a requirement to submit a report to the Legislature.

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

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. 271.

Bill read second time.

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

Amendment No. 501.

AN ACT relating to employment; requiring an employer who operates a call center to provide certain notice to the Labor Commissioner before relocating the call center to a foreign country; requiring **the Labor Commissioner to compile a list containing certain information relating to** such ~~an employer to repay any incentives for economic development provided to the employer by a state agency; providing that such an employer is ineligible to receive incentives for economic development for a certain period of time; requiring a state contractor who provides customer service or related functions through a call center to perform all such functions entirely within this State;~~ **employers; authorizing the Labor Commissioner to impose certain penalties upon such employers for the failure to provide to the Labor Commissioner the required notice;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires an employer who relocates a call center or certain operations of a call center to a foreign country to notify the Labor Commissioner **of the relocation and of the number of employees displaced due to the relocation** at least ~~120~~ **60** days before the relocation. Section 7 of this bill authorizes the Labor Commissioner to impose civil penalties on an employer who fails to comply with this requirement. Section 6 requires the Labor Commissioner to compile a list of employers who have given notice of a relocation of a call center to a foreign country. ~~Under section 6, an employer on this list is ineligible, for a period of 5 years, to receive an incentive for economic development from a state agency, including, without limitation, a grant, loan, tax credit or abatement and must repay the appropriate state agency the amount of any grant, tax credit or abatement provided to the employer for the purposes of economic development. Section 6 authorizes the Labor Commissioner to waive the provision making an employer ineligible for incentives under certain circumstances.~~

~~Section 8 of this bill requires a person who enters into a contract with a state agency to perform customer service or related functions through a call center to perform all such functions entirely within the State.~~ **and of the number of employees displaced due to the relocation of call centers by such employers.**

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 the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~4~~ and 4 ~~and 5~~ of this act have the meanings ascribed to them in those sections.*

Sec. 3. “Call center” means a facility or other operation whereby workers receive telephone calls or other electronic communication for the purpose of providing customer service or related functions.

Sec. 4. “Employer” means a person in this State who, for the purpose of staffing a call center, employs ~~at least~~

~~1. Fifty or more call center employees, not including part time employees; or~~

~~2. Fifty or more employees who, in the aggregate, work 1,500 hours or more per week, not including overtime.]~~

Sec. 5. ~~“Part-time employee” means an employee who:~~

~~1. Is employed for an average of less than 20 hours per week; or~~

~~2. Has been employed for less than 6 of the 12 months preceding the date on which the notice required pursuant to section 6 of this act is required to be given to the Labor Commissioner.] (Deleted by amendment.)~~

Sec. 6. 1. An employer who relocates a call center, or one or more facilities or operating units within a call center comprising at least 30 percent of the total operating volume of telephone calls or other electronic communications when measured against the average volume of those operations from the previous 12 months, from this State to a foreign country shall notify the Labor Commissioner of the relocation and of the number of employees that will be displaced due to the relocation at least ~~[120] 60~~ days before such relocation.

2. The Labor Commissioner shall, at least semiannually, compile a list of employers who have provided notice pursuant to subsection 1 ~~and of the number of employees who have been displaced due to the relocation of call centers by such employers. [The Labor Commissioner shall distribute the list to all state agencies as necessary to carry out the provisions of sections 2 to 10, inclusive, of this act.~~

~~3. Except as otherwise provided in subsection 5, an employer who is added to the list compiled by the Labor Commissioner pursuant to subsection 2 is ineligible to receive from a state agency any incentive for economic development, including, without limitation, any grant, loan, tax credit or abatement for a period of 5 years following the date upon which the employer is added to the list.~~

~~4. An employer who is added to the list compiled by the Labor Commissioner pursuant to subsection 2 shall repay to the appropriate state agency the amount of any grant, tax credit or abatement provided to the employer for the purposes of economic development.~~

~~5. The Labor Commissioner may, in consultation with the appropriate state agency that wishes to provide an incentive for economic development to an employer, waive the requirement provided for in subsection 3 for good cause shown. For the purposes of this subsection, “good cause shown” may include a demonstration by an employer that not being provided an incentive would cause job loss or an adverse impact on this State.]~~

Sec. 7. If an employer fails to provide the notice required by subsection 1 of section 6 of this act, the Labor Commissioner shall:

1. Impose against the employer a civil penalty not to exceed ~~[\$10,000 for each day the employer fails to provide the notice,]~~ \$5,000; or

2. Conduct a study ~~for~~ at a cost not to exceed \$5,000, at the expense of the employer, to determine the financial impact of the failure of the employer to provide the required notice on the community surrounding the call center and impose against the employer a civil penalty in an amount based upon the results of the study.

Sec. 8. ~~A person who enters into a contract with a state agency to perform customer service or related functions through a call center and each employee, agent and subcontractor of the person shall perform such functions entirely within this State.~~ (Deleted by amendment.)

Sec. 9. The provisions of sections 2 to 10, inclusive, of this act must not be construed to authorize the withholding or denial of payments, compensation or benefits under any law of this State, including, without limitation, unemployment compensation, a disability benefit or a payment for the purposes of retraining or readjustment to an employee of an employer who relocates a call center to a foreign country.

Sec. 10. The Labor Commissioner may adopt such regulations as are necessary to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 11. ~~Notwithstanding the provisions of section 8 of this act, a person who has entered into a contract with a state agency before January 1, 2020, to provide customer service or related functions through a call center, as defined in section 3 of this act, is not required to comply with the provisions of section 8 of this act until January 1, 2022, except that any new employee hired by the person to perform customer service or related functions for the state agency after January 1, 2020, shall perform the functions entirely within this State.~~ (Deleted by amendment.)

Sec. 12. 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 Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 274.

Bill read second time.

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

Amendment No. 371.

AN ACT relating to governmental administration; revising provisions governing the disclosure of information relating to complaints filed with the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation; revising provisions governing the protections against reprisal or retaliatory action provided for a state or local governmental officer or employee who discloses certain governmental action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Equal Rights Commission is created under existing law within the Department of Employment, Training and Rehabilitation. (NRS 233.030) Among other duties, the Commission accepts, processes and resolves complaints alleging unlawful discriminatory practices in employment, housing and public accommodations. (NRS 233.157, 233.165, 233.170) With certain exceptions, existing law makes any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice confidential. Existing law authorizes the disclosure of such information to any governmental entity as appropriate or necessary to carry out its duties. (NRS 233.190) **Section 1** of this bill: (1) limits access to information related to a complaint filed with the Commission to such staff of the Commission as are necessary to carry out the duties of the Commission relating to the complaint; and (2) prohibits such staff from disclosing the information to other officers and employees of the Department of Employment, Training and Rehabilitation unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.

Existing law encourages state and local governmental officers and employees to disclose action taken by a state or local governmental officer or employee in the performance of his or her official duties which is: (1) a violation of a state law or local ordinance; (2) an abuse of authority; (3) of substantial and specific danger to the public health or safety; or (4) a gross waste of public money. Existing law protects the rights of a state or local governmental officer or employee who makes such a disclosure, commonly known as a whistleblower. (NRS 281.611-281.671) **Section 2** of this bill makes the placement of false information in the personnel file of a state or local governmental officer or employee who discloses improper governmental action a form of reprisal or retaliatory action.

Existing law prohibits a state or local governmental officer or employee from using or attempting to use his or her official authority or influence to intimidate, threaten, coerce, command or influence another state or local governmental officer or employee in an effort to interfere with or prevent the disclosure of information concerning improper governmental action. (NRS 281.631) Section 2.5 of this bill clarifies that this prohibition includes using or attempting to use official authority or influence to intimidate, threaten, coerce, command or influence another state or local governmental officer or employee to take reprisal or retaliatory action. Section 2.5 also requires a state or local governmental officer or employee

to use his or her official authority or influence to remedy any reprisal or retaliatory action of which the officer or employee becomes aware.

Existing law authorizes a local government to enact by ordinance procedures that provide greater protection to local governmental officers and employees against reprisal and retaliation for the disclosure of improper governmental action than the protections provided in existing law. (NRS 281.635) **Section 3** of this bill: (1) makes it mandatory for a local government to enact procedures that provide at least the same amount of protection against reprisal and retaliation as is provided in existing law; and (2) authorizes such procedures to provide greater protection than the protection provided in existing law.

Existing law authorizes a hearing officer who hears an appeal relating to a reprisal or retaliatory action against a state or local governmental officer or employee for disclosing improper government action to issue an order directing the proper person to desist and refrain from engaging in an action determined to be a reprisal or retaliatory action. (NRS 281.641, 281.645) **Sections 4 and 5** of this bill **authorize the filing of an appeal with a hearing officer for violations of the provisions relating to use of official authority or influence. Sections 4 and 5** additionally authorize such a hearing officer to ~~impose an appropriate civil penalty against~~ **order the termination of the employment of** the proper person ~~, which must be paid by that person and not his or her public employer.~~

Existing law requires certain persons to annually make available to each state or local governmental officer or employee a written summary of the provisions of existing law concerning reprisal or retaliatory action against a state or local governmental officer or employee who discloses improper governmental action. (NRS 281.661) **Section 6** of this bill requires this written summary to be: (1) developed by the Division of Human Resource Management of the Department of Administration and clearly explain the relevant provisions in existing law, including any action that a hearing officer is authorized to take if the hearing officer determines that reprisal or retaliatory action was taken; and (2) provided within 30 days after the commencement of employment, in addition to being provided annually. **Section 6** also authorizes, in lieu of the written summary, the viewing of a video recording developed by the Division of Human Resource Management that clearly explains the relevant provisions in existing law. **Section 6** requires the Division and the administrative head of a local government to obtain written confirmation that employees received the summary or viewed the video as required.

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

Section 1. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. ~~The~~ *Except as otherwise provided in subsection 5, the* Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the party against whom the unlawful discriminatory practice is alleged or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the party against whom the unlawful discriminatory practice is alleged if:

(a) Each has consented to such disclosure; or

(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the party against whom the unlawful discriminatory practice is alleged:

(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.

(b) Any investigative notes or reports made by the Commission.

(c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. *After the filing of a complaint with the Commission, access to information related to the complaint must be limited only to such staff of the Commission as is necessary to carry out the duties of the Commission relating to the complaint. Such staff shall not disclose such information to the other officers and employees of the Department of Employment, Training and Rehabilitation, including, without limitation, supervisors and the Director of the Department, unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.*

6. Except as otherwise provided in this section or NRS 239.0115, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

~~6.7~~ 7. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 2. NRS 281.611 is hereby amended to read as follows:

281.611 As used in NRS 281.611 to 281.671, inclusive, unless the context otherwise requires:

1. "Improper governmental action" means any action taken by a state officer or employee or local governmental officer or employee in the

performance of the officer's or employee's official duties, whether or not the action is within the scope of employment of the officer or employee, which is:

- (a) In violation of any state law or regulation;
- (b) If the officer or employee is a local governmental officer or employee, in violation of an ordinance of the local government;
- (c) An abuse of authority;
- (d) Of substantial and specific danger to the public health or safety; or
- (e) A gross waste of public money.

2. "Local government" means a county in this State, an incorporated city in this State and Carson City.

3. "Local governmental employee" means any person who performs public duties under the direction and control of a local governmental officer for compensation paid by or through a local government.

4. "Local governmental officer" means a person elected or appointed to a position with a local government that involves the exercise of a local governmental power, trust or duty, including:

- (a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of local governmental policy;
- (b) The expenditure of money of a local government; and
- (c) The enforcement of laws and regulations of the State or a local government.

5. "Reprisal or retaliatory action" includes:

- (a) The denial of adequate personnel to perform duties;
- (b) Frequent replacement of members of the staff;
- (c) Frequent and undesirable changes in the location of an office;
- (d) The refusal to assign meaningful work;
- (e) The issuance of letters of reprimand or evaluations of poor performance;
- (f) A demotion;
- (g) A reduction in pay;
- (h) The denial of a promotion;
- (i) A suspension;
- (j) A dismissal;
- (k) A transfer;
- (l) Frequent changes in working hours or workdays; ~~to~~
- (m) If the employee is licensed or certified by an occupational licensing board, the filing with that board, by or on behalf of the employer, of a complaint concerning the employee ~~to~~; **or**

(n) Knowingly placing false information, including, without limitation, a false complaint, in the personnel file of the employee,

↪ if such action is taken, in whole or in part, because the state officer or employee or local governmental officer or employee disclosed information concerning improper governmental action.

6. “State employee” means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State.

7. “State officer” means a person elected or appointed to a position with the State which involves the exercise of a state power, trust or duty, including:

- (a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy;
- (b) The expenditure of state money; and
- (c) The enforcement of laws and regulations of the State.

Sec. 2.5. NRS 281.631 is hereby amended to read as follows:

281.631 1. A state officer or employee and a local governmental officer or employee ~~shall~~ :

(a) Shall use the official authority or influence of the officer or employee to remedy any reprisal or retaliatory action of which the officer or employee becomes aware.

(b) Shall not ~~directly~~ :

(1) Directly or indirectly use or attempt to use the official authority or influence of the officer or employee to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another state officer or employee or another local governmental officer or employee, as applicable, in an effort to interfere with or prevent the disclosure of information concerning improper governmental action ~~to~~, including, without limitation, by intimidating, threatening, coercing, commanding, influencing or attempting to intimidate, threaten, coerce, command or influence the other officer or employee to take reprisal or retaliatory action.

(2) Fail to use the official authority or influence of the officer or employee to remedy any reprisal or retaliatory action of which the officer or employee becomes aware.

2. For the purposes of this section, use of “official authority or influence” includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

Sec. 3. NRS 281.635 is hereby amended to read as follows:

281.635 A local government ~~may enact~~ **shall**, by ordinance, **enact** procedures that provide ~~greater~~ **at least the same amount of** protection to local governmental officers and employees against reprisal and retaliation for the disclosure of improper governmental action ~~than the protection~~ **as is** provided in NRS 281.611 to 281.671, inclusive. **Such procedures may provide greater protection to local governmental officers and employees than the protection provided in NRS 281.611 to 281.671, inclusive.**

Sec. 4. NRS 281.641 is hereby amended to read as follows:

281.641 1. If any alleged violation of NRS 281.631 occurs or any alleged reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2

years after the information is disclosed, the state officer or employee may file a written appeal with a hearing officer of the Personnel Commission for a determination of whether **a violation of NRS 281.631 occurred or** the action taken was a reprisal or retaliatory action, ~~if~~, **as applicable.** The written appeal must be accompanied by a statement that sets forth with particularity ~~if~~, **as applicable:**

(a) The facts and circumstances **relating to the alleged violation of NRS 281.631; or**

(b) **The facts and circumstances** under which the disclosure of improper governmental action was made, ~~if~~ and

~~if~~ **the** reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.

↪ The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel Commission pursuant to subsection ~~4~~ 5.

2. If the hearing officer determines that **a violation of NRS 281.631 occurred or** the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing :

(a) ~~Directing the~~ **The** proper person to desist and refrain from engaging in such **a violation or** action, ~~if~~ ; or

(b) ~~Imposing an appropriate civil penalty against~~ **The termination of the employment of the proper person.** ~~The civil penalty must be paid by that person and not the public employer of the person.~~

3. The hearing officer shall file a copy of the decision with the Governor or any other elected state officer who is responsible for the actions of that person.

~~3~~ 4. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

~~4~~ 5. The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

~~5~~ 6. As used in this section, "Personnel Commission" means the Personnel Commission created by NRS 284.030.

Sec. 5. NRS 281.645 is hereby amended to read as follows:

281.645 1. A local government shall, by ordinance, establish procedures for hearing an appeal from a local governmental officer or employee who ~~if~~ **alleges a violation of NRS 281.631 occurred or who:**

(a) Disclosed information concerning improper governmental action; and

(b) Believes that as a result of that disclosure, a reprisal or retaliatory action has been taken against the local governmental officer or employee,

↪ to determine whether a **violation of NRS 281.631 occurred or whether a** reprisal or retaliatory action has been taken against the local governmental officer or employee. The procedures must allow a local governmental officer or employee to file an appeal not later than 2 years after the information is

disclosed or the disclosure of which has been prevented or interfered with and require the local governmental officer or employee who desires to file an appeal to file the appeal within 60 days after the alleged violation of NRS 281.631 occurred or the alleged reprisal or retaliatory action was taken against the local governmental officer or employee.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Prescribe the required contents of an appeal;

(b) Provide for the designation or appointment of hearing officers to hear such appeals; and

(c) Provide that if a hearing officer determines that a violation of NRS 281.631 occurred or the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing :

(1) ~~Directing the~~ The proper person to desist and refrain from engaging in such a violation or action ~~;~~ or

(2) ~~Imposing an appropriate civil penalty against~~ The termination of the employment of the proper person. ~~The civil penalty must be paid by that person and not the public employer of the person.~~

Sec. 6. NRS 281.661 is hereby amended to read as follows:

281.661 ~~Each year.~~

1. The Administrator of the Division of Human Resource Management of the Department of Administration shall ~~make available to~~ obtain written confirmation that each state officer and employee ~~;~~ and, not later than 30 days after commencing employment and annually thereafter, received a written summary or viewed a video recording that clearly explains the provisions of NRS 281.611 to 281.671, inclusive, including, without limitation, any action that a hearing officer is authorized to take if the hearing officer determines that reprisal or retaliatory action was taken.

2. The administrative head of a local government shall ~~make available to~~ obtain written confirmation that each local governmental officer or employee, ~~;~~ not later than 30 days after commencing employment and annually thereafter, received a written summary or viewed a video recording that clearly explains the provisions of NRS 281.611 to 281.671, inclusive ~~;~~ , including, without limitation, any action that a hearing officer is authorized to take if the hearing officer determines reprisal or retaliatory action was taken.

3. The Division of Human Resource Management shall develop and revise as necessary the written summary and video recording described in subsections 1 and 2.

Sec. 7. This act becomes effective ~~on July 1, 2019.~~ upon passage and approval.

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. 282.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 461.

ASSEMBLYMEN SPIEGEL; COHEN AND FUMO

JOINT SPONSORS: SENATORS PICKARD AND WOODHOUSE

SUMMARY—Revises ~~provisions relating to municipal elections.~~ **the Charter of the City of Henderson.** (BDR 24-939)

CONTAINS UNFUNDED MANDATE (§§ 4, 10, 14, 15, 19, 20, 24, 25, 30, 31, 35, 36, 41, 42, 46, 51, 54, 55, 58, 60, 64, 65, 71, 76) **5**

(Not Requested by Affected Local Government)

AN ACT relating to ~~cities; requiring cities to be divided into wards; setting forth certain requirements for dividing a city into wards;~~ **the City of Henderson;** requiring **, under certain circumstances,** a member of the ~~governing body~~ **City Council** of ~~a city~~ **the City of Henderson** to be elected only by the registered voters of the ward that he or she seeks to represent; ~~requiring a vacancy on the governing body of a city to be filled at a special election under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Under existing law, a city incorporated pursuant to general law may be divided into a certain number of wards based on the population of the city, with each ward represented on the governing body of the city by a council member. If a city is not divided into wards, all members of a city council are elected by and represent the city at large. (NRS 266.095, 266.215, 266.220)~~

~~Under the existing charters of Boulder City, Caliente, Carlin, Elko, Mesquite, Wells and Yerington, the cities are not divided into wards and candidates for Council Member must be voted on by the registered voters of the City at large in both a primary and a general election. (Charter of Boulder City §§ 4, 96; Caliente City Charter § 2.010; Carlin City Charter §§ 2.010, 5.020; Elko City Charter § 2.010; Mesquite City Charter §§ 2.010, 5.010; Wells City Charter §§ 2.010, 5.020; Yerington City Charter § 2.010)~~

~~Under the existing charters of Carson City and the City of Henderson, the cities are divided into wards, but the candidates for Supervisor and Council Member, respectively, are voted on by the registered voters of the City at large. (Carson City Charter §§ 1.060, 2.010, 5.010, 5.020; Henderson City Charter §§ 1.040, 2.010, 5.010, 5.020)~~

~~Under the existing charters of Las Vegas, North Las Vegas and Sparks, the cities are divided into wards and the candidates for Council Member are voted upon only by the registered voters of the ward that the candidate seeks to represent. (Las Vegas City Charter §§ 1.130, 2.020, 5.010, 5.020; North Las Vegas City Charter §§ 1.045, 2.010, 5.010, 5.020; Sparks City Charter §§ 1.040, 1.060, 5.010, 5.020)~~

~~In 2017, the Charter of the City of Reno was amended to increase the number of wards in the City of Reno from five to six and replace the Council Member who represents the city at large with a Council Member to represent the newly created sixth ward, effective January 1, 2024. (Assembly Bill No. 36, chapter 584 Statutes of Nevada 2017, p. 4195; Reno City Charter §§ 1.050, 2.010, 5.010, 5.020)~~

~~This bill requires each city incorporated pursuant to general law or charter to be divided into wards where each ward is represented on the governing body of the city by a member who is elected only by the registered voters of the ward. Effective January 1, 2023, and with limited exception: (1) each city must be divided into wards such that there is an odd number of voting members on the governing body, including the city mayor, if applicable; (2) each city may not have more than eight wards if the Mayor is a voting member of the governing body or nine wards if the Mayor is not a voting member of the governing body, unless the voters of the city approve having more than eight or nine wards, respectively; (3) each ward must be, as nearly as practicable, of equal population; and (4) the population of each ward must be less than the average population of assembly districts in the State as determined at the time of the most recent apportionment of assembly districts. This bill also requires, with limited exception, that the number and boundaries of existing wards be changed when the population of any ward is more than the average population of assembly districts in the State as determined at the time of the most recent apportionment of assembly districts.~~

~~Under existing law, a vacancy on the governing body of a city may be filled by appointment or by special election. (NRS 268.325) Section 9 of this bill requires such a vacancy to be filled at a special election if appointing a member to fill the vacancy would result in a majority of the governing body to have been appointed to the office.]~~

Under the existing Charter of the City of Henderson, the City is divided into four wards, but the candidates for the office of Council Member are voted on by the registered voters of the City at large. (Henderson City Charter §§ 1.040, 2.010, 5.010, 5.020) In addition, under the existing Charter of the City of Henderson, the City holds primary and general city elections in odd-numbered years, but the City may by ordinance provide for its elections to be held in even-numbered years on the statewide election cycle. (Henderson City Charter §§ 5.010, 5.020) Finally, under the Nevada Constitution, the Legislature may amend the existing Charter of the City of Henderson to require the City's elections to be held in even-numbered years on the statewide election cycle. (Nev. Const. Art. 4, § 27, Art. 8, § 1)

Section 5 of the bill requires the City Council to place a question on the ballot at: (1) the general city election held in June 2021; or (2) if no general city election will be held in June 2021 because the City will be holding its elections in even-numbered years on the statewide election cycle, the general election held in November 2022. The ballot question will ask the

registered voters of the City whether the Charter of the City should be amended to require that the candidates for members of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City approve the ballot question: (1) sections 1-4 of this bill become effective; and (2) candidates for the office of Council Member of the City must be voted upon at subsequent elections only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City do not approve the ballot question: (1) sections 1-4 do not become effective; and (2) candidates for the office of Council Member of the City will continue to be voted upon at subsequent elections by the registered voters of the City at large.

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

Delete existing sections 1 through 80 of this bill and replace with the following new sections 1 through 8:

Section 1. Section 1.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 231, Statutes of Nevada 1991, at page 511, is hereby amended to read as follows:

Sec. 1.060 Elective offices.

1. The elective officers of the City consist of:

- (a) A Mayor.
- (b) ~~Four~~ **One** Council ~~Members~~ **Member from each ward.**
- (c) Municipal Judges.

2. Such officers shall be elected as provided by this Charter.

Sec. 2. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of ~~four~~ **one** Council ~~Members~~ **Member from each ward** and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, ~~[must be voted upon by the registered voters of the City at large and]~~ except as otherwise provided in section 5.020, shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 3. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office *other than candidates for Council Member* must be voted upon by the registered voters of the City at large.

4. **A candidate for Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.**

5. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

Sec. 4. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1890, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the second Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

~~(b) [All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.~~

~~(c)~~ On the second Tuesday after the first Monday in June 2019, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

~~(d)~~ (c) On the second Tuesday after the first Monday in June 2021, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

~~(e)~~ (d) On the second Tuesday after the first Monday in June 2017, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. **All candidates for the office of Mayor and Municipal Judge must be voted upon by the registered voters of the City at large.**

3. **A candidate for the office of Council Member must be voted upon by the registered voters of the ward that he or she seeks to represent.**

4. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

~~3.~~ 5. If the City Council adopts an ordinance pursuant to subsection ~~2.~~ 4., the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

~~4.~~ 6. If the City Council adopts an ordinance pursuant to subsection ~~2.~~ 4., the ordinance must not affect the term of office of any elected

official of the City serving in office on the effective date of the ordinance.

The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 5. 1. The City Council shall submit the question set forth in subsection 2 on the ballot:

(a) Except as otherwise provided in paragraph (b), at the general city election held in June 2021; or

(b) If a general city election is not held in June 2021, at the general election held in November 2022.

2. The question required pursuant to subsection 1 must be in substantially the following form:

Shall the Charter of the City of Henderson be amended to require that a candidate for member of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent?

Yes No

The voter shall mark the ballot by placing a cross (x) next to the word “yes” or “no.”

3. The provisions of NRS 293.481 apply to the City Council for purposes of submitting the question set forth in subsection 2 to the voters.

4. If the question is approved by the voters, the provisions of sections 1 to 4, inclusive, of this act apply to every city election that occurs following the election described in subsection 1.

Sec. 6. Notwithstanding any other provision of law to the contrary, any person:

1. Elected or appointed to the office of Council Member of the City of Henderson to represent the City at large and who holds office on the effective date of sections 1 to 4, inclusive, of this act shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

2. Appointed to the office of Council Member of the City of Henderson on or after the effective date of sections 1 to 4, inclusive, this act shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section and sections 5 and 7 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, and 6 of this act become effective, if the question set forth in section 5 of this act is approved by the voters of the City, upon the completion of the canvass of the election described in

subsection 1 of section 5 of this act by the City Council pursuant to Section 5.100 of the Charter of the City of Henderson.

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. 289.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 337.

AN ACT relating to education; revising provisions relating to the retention of certain pupils enrolled in grade 3 ~~to~~ **to require the provision of certain services and instruction**; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach in a public elementary school; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law to become effective on July 1, 2019, provides that, unless a pupil receives a good-cause exemption, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board of Education on the criterion-referenced examination in reading. (NRS 388A.487, 392.760) **Section 7** of this bill ~~to~~ **removes this requirement and instead provides that a pupil must be retained in grade 3 provided intervention services and intensive instruction** if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading and his or her parent or legal guardian provides informed written consent, in consultation with the teacher of the pupil and the principal of the school. ~~to~~ **and (2) includes additional good-cause exemptions.**

Existing law requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) **Section 1** of this bill instead requires this plan to address pupils enrolled in all grades of an elementary school.

Existing law requires that a plan to improve the literacy of pupils include a program to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. (NRS 388.157) **Section 1** provides that in order to achieve adequate proficiency in reading, a pupil must perform at a level ~~considered~~ **determined** by ~~the school district or charter school~~ **a**

statewide assessment to be within ~~the average range~~ the level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.

Under existing law, the principal of a public elementary school, including, without limitation, a charter school, is required to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. (NRS 388.159) **Section 2** of this bill instead requires the principal to designate a licensed teacher to serve as a literacy specialist and prescribes the qualifications and duties of the literacy specialist. Existing law authorizes a school district or charter school to provide additional compensation to: (1) a licensed teacher designated as a learning strategist or to a teacher who teaches kindergarten; or (2) a licensed teacher who teaches grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective. (NRS 388.159) **Section 2** ~~expands~~ revises the list of licensed teachers who are eligible for additional compensation ~~to~~ to include any teacher who teaches in an elementary school whose overall performance is determined to be highly effective, who provides instruction in reading.

Existing law, which becomes effective on July 1, 2019, requires the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are retained in grade 3 for deficiency in reading. (NRS 388A.487, 392.775) **Sections 3 and 10** of this bill additionally require the board of trustees of each school district and the governing body of a charter school to include in a report certain information concerning pupils who received educational programs or services in the subject area of reading.

Section 6 of this bill requires that the plan to assess the proficiency of a pupil who is deficient in the subject area of reading be established by a licensed teacher. **Section 6** also removes the requirement that a school assess the proficiency of a pupil who is receiving services to correct a deficiency in the subject area of reading at the beginning of the school year and instead requires the school ~~frequently to~~ regularly assess the ~~progress~~ growth of the pupil in any areas of deficiency in the subject area of reading.

Existing law requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. (NRS 392.770) **Section 9** of this bill ~~additionally~~ instead requires the principal of a school to offer these options to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867) **Section 11** of this bill revises the program to: (1) distribute the money through a noncompetitive grants program ~~to~~ using a weighted formula; and (2) authorize schools that receive a grant of money to use the

money for literacy programs, additional staff or both, to support school-based efforts to ensure that all pupils are proficient in reading by the end of elementary school. **Section 11 also prohibits schools that receive a grant of money from using the money to supplant other budgets of the school.**

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

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3.~~ ***an elementary school.*** Such a plan must include, without limitation:

(a) A program to provide ***intervention services and*** intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in ~~that subject area.~~ ***the requisite reading skills and reading comprehension skills necessary to perform at a level [considered by the school district or charter school] determined by a statewide assessment to be within [the average range] a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.*** Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction ~~for~~ ***designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, [and] reading fluency [;] and vocabulary and reading comprehension strategies;***

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable ***curriculum-based*** assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in kindergarten if the pupil enrolls after that period; and

(2) During ~~grades 1, 2 and 3;~~ ***each grade level in elementary school;***

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between ~~learning strategists~~ ***licensed teachers designated as literacy specialists*** and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 2. NRS 388.159 is hereby amended to read as follows:

388.159 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school ~~who has demonstrated leadership abilities~~ ***the ability***

~~to improve the literacy of pupils]~~ to serve as a ~~learning strategist]~~ **literacy specialist**. ~~to train provide]~~ **The licensed teacher so designated must:**

- (a) Demonstrate the ability to improve the literacy of pupils;
- (b) Demonstrate competency in effective instruction in literacy and the administration of assessments;
- (c) Demonstrate an understanding of building relationships with teachers and other adults;
- (d) Collaborate with the principal of the public elementary school to develop a schedule of professional development ~~for~~ and assist in providing such professional development; and
- (e) Assist teachers at the school ~~to implement]~~ by implementing a system of support which includes various methods to provide intervention services and intensive instruction ~~to intervention]~~ for pupils who have been identified as deficient in the subject area of reading.

2. A school district or charter school may provide additional compensation to:

(a) A licensed teacher designated as a ~~learning strategist]~~ **literacy specialist** pursuant to this section; ~~for]~~

(b) A **licensed** teacher who is employed by a school district or charter school ~~to teach kindergarten or grade 1, 2, 3 or 4]~~ **in an elementary school** ~~whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.]~~ **and provides instruction in reading.**

3. Each **licensed** teacher employed by a school district or charter school to teach ~~kindergarten or grade 1, 2, 3 or 4]~~ **in an elementary school and is responsible for providing instruction in reading** shall complete professional development ~~provided]~~ **developed** by a ~~learning strategist designated]~~ **licensed teacher designated as a literacy specialist** pursuant to subsection 1 in the subject area of reading.

4. The State Board shall prescribe by regulation:

(a) Any training or professional development that a ~~learning strategist]~~ **licensed teacher designated as a literacy specialist** is required to successfully complete;

(b) Any professional development that a teacher employed by a school district or charter school to teach ~~kindergarten or grade 1, 2, 3 or 4]~~ **in an elementary school** is required to receive ~~from]~~ **as developed by** a ~~learning strategist]~~ **licensed teacher designated as a literacy specialist** in the subject area of reading; and

(c) The duties and responsibilities of a ~~learning strategist.]~~ **licensed teacher designated as a literacy specialist.**

Sec. 3. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

On or before ~~September 1]~~ October 15 of each year, the governing body of a charter school that operates as an elementary school shall:

1. Prepare a report concerning the number and percentage of pupils at each grade level at the charter school who received educational programs and services identified pursuant to subsection 1 of NRS 392.750 and whose proficiency in the subject area of reading:

(a) Did not improve at a rate prescribed by the governing body of the charter school, indicating a need for more intensive or different interventions;

(b) Improved at a rate prescribed by the governing body of the charter school, indicating progress toward performing at a level ~~considered by the charter school~~ determined by a statewide assessment to be within the average range a level established by the State Board for pupils enrolled in the same grade level in which the pupils are enrolled; and

(c) Is considered by the charter school to be within the ~~average range~~ level established by the State Board for pupils in the same grade level in which the pupils are enrolled.

2. Submit a copy of the report to the Department, the Legislature and the sponsor of the charter school.

3. Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 4. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school shall adopt rules for ~~the academic retention of~~ the provision of intervention services and intensive instruction to pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765. The rules must:

(a) Prescribe the ~~conditions under~~ programs and instruction which will be provided to a pupil, ~~may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.~~

(b) Require a pupil enrolled in ~~grade 3~~ an elementary school to be ~~retained in the same grade rather than promoted to grade 4 when required~~ provided intervention services and intensive instruction while the pupil is enrolled in an elementary school pursuant to NRS 392.760.

2. On or before ~~September 1~~ October 15 of each year, the governing body of each charter school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were:

(1) ~~Retained~~ Designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~retained in kindergarten or grade 1 or 2~~ provided intervention services and intensive instruction while enrolled in an elementary school of a charter school; and

(2) ~~Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in~~

~~kindergarten or grade 1 or 2 for a total of 2 years;~~ **Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:**

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions;

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; and

(b) Submit a copy of the report to the Department ~~†~~, **the Legislature and the sponsor of the charter school;** and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 5. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school ~~in kindergarten or grade 1, 2 or 3~~ exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school** that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the pupil will be ~~retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good cause exemption pursuant to NRS 392.760;~~ **provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;**

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the criterion-referenced examination in **only** the subject area of reading administered pursuant to NRS 390.105 is not the only factor used to determine whether the pupil will be ~~retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good cause exemption pursuant to NRS 392.760;~~ **provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;**

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding the ~~promotion~~ **provision of *intervention services and intensive instruction* to a pupil** ~~to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to NRS 392.760;~~ **enrolled in an elementary school;**

6. Include information regarding the English literacy development of a pupil who is an English learner; ~~and~~

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner. ~~††;~~

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 6. NRS 392.755 is hereby amended to read as follows:

392.755 1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to NRS 392.750 shall, within 30 days after providing such notice, establish a plan to monitor the ~~progress~~ **growth** of the pupil in the subject area of reading.

2. A plan to monitor the ~~progress~~ **growth** of a pupil in the subject area of reading must be established by ~~the~~ **a licensed** teacher ~~of the pupil~~ and any other relevant **licensed** school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services **and intensive instruction** that will be provided to the pupil to correct the **area of** deficiency and must include that the pupil will receive intensive instruction in reading ~~to ensure~~ **until** the pupil achieves adequate proficiency in **the requisite** reading ~~††~~ **skills and reading comprehension skills necessary to perform at a level** ~~feconsidered~~ **determined by** ~~the school~~ **a statewide assessment to be within** ~~the average range~~ **a level established by the State Board of Education for a pupil enrolled in the same grade in which the pupil is enrolled.** Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school** approved by the Department pursuant to NRS 388.157.

3. A school that establishes a plan to monitor the ~~progress~~ **growth** of a pupil in the subject area of reading shall ~~frequently~~ **regularly** assess the ~~proficiency~~ ~~progress~~ **growth** of the pupil in ~~the subject~~ **any** area of

deficiency in the subject area of reading [at the beginning of the next school year after the plan is established pursuant to this section.] to ensure that the programs and services provided to the pupil pursuant to subsection 1 of NRS 392.750 continue to increase the proficiency of the pupil in the subject area of reading until the pupil performs at a level ~~[considered]~~ determined by ~~[the school]~~ a statewide assessment to be within the ~~[average range]~~ a level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.

Sec. 7. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must ~~[be retained in grade 3 rather than promoted to grade 4 if the pupil]~~ **be provided intervention services and intensive instruction if the:**

(a) *Pupil* does not obtain a score in **only** the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board ~~[pursuant to subsection 7.]; and~~

(b) *Parent or legal guardian of the pupil provides informed written consent, in consultation with the teacher of the pupil and principal of the school, that the pupil must be ~~[retained.]~~ provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.*

2. ~~[The superintendent of schools of a school district or the governing body of a charter school, as applicable, or designee may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption. — 3. — A good-cause exemption must be approved for a pupil who previously was retained in kindergarten or grade 1, 2 or 3. Any other pupil is eligible for a good-cause exemption if the pupil:~~

~~— (a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;~~

~~— (b) Demonstrates **progress in reading** through a **growth** portfolio of the pupil's work, proficiency ~~which demonstrates improvement at a rate indicating the pupil is making progress in the subject of reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;~~ **towards performing at a level considered to be within the average range for a pupil enrolled in the same grade in which the pupil is enrolled;**~~

~~— (c) Is an English learner and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;~~

~~— (d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading **at his or her level of instruction** and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion referenced examinations administered pursuant to NRS 390.105 is not appropriate; or~~

~~(f) **Received instruction pursuant to paragraph (b) of subsection 2 of NRS 392.765; or**~~

~~(g) Is a pupil with a disability and:~~

~~(1) He or she participates in the criterion referenced examinations administered pursuant to NRS 390.105;~~

~~(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; **which requires intensive remediation;** and~~

~~(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.~~

~~4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, **data collected relating to the progress of the pupil** and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable, **or to a designee.** The superintendent of schools or the governing body of the charter school, as applicable, **or the designee** shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.~~

~~5. A principal who determines that a pupil is eligible for a good cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, **or the designee** approves the good cause exemption.~~

~~6. The principal of a school ~~in which a pupil for whom a good cause exemption is approved and who is promoted to grade 4 must~~ :~~

~~(a) **Must** ensure that the pupil continues to ~~receive~~ **be provided intervention services and** intensive instruction in the subject area of reading **while the pupil is enrolled in an elementary school.** Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.~~

~~7. The State Board shall prescribe by regulation:~~

~~— (a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion referenced examination administered pursuant to NRS 390.105 to be promoted to grade 4 without a good cause exemption; and~~

~~— (b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good cause exemption.~~

~~— 8. As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

(b) May retain a pupil in grade 3 rather than promote the pupil to grade 4 if a parent or guardian does not provide informed written consent pursuant to paragraph (b) of subsection 1.

Sec. 8. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be ~~retained in grade 3~~ **provided intervention services and intensive instruction** pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil **confirming** that the pupil will be ~~retained in grade 3~~ **provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.** The written notice must include, without limitation, a description of the **intervention services and** intensive ~~instructional services~~ **instruction** in the subject area of reading that the pupil will ~~receive~~ **be provided** to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the ~~progress~~ **growth** of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil’s work in the subject area of reading, which must be updated as necessary to reflect ~~progress~~ **growth** made by the pupil.

(d) Ensure that the pupil receives **intervention services and** intensive ~~instructional services~~ **instruction** in the subject area of reading that are designed to improve the pupil’s proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school** approved by the Department pursuant to NRS 388.157;

(2) Instruction for at least 90 minutes each school day based upon evidence-based research concerning reading instruction; and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the progress of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who ~~is retained in grade 3~~ will be provided intervention services and intensive instruction pursuant to NRS 392.760, which may include, without limitation:

- (1) Instruction that is provided in small groups;
- (2) Instruction provided in classes with reduced pupil-teacher ratios;
- (3) A timeline for frequently monitoring the progress of the pupil;
- (4) Tutoring and mentoring;
- (5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4;
- (6) Instruction provided through an extended school day, school week or school year;
- (7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or
- (8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

- (a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and
- (b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

- (a) Has an individualized education program; or
- (b) Is enrolled in a school district in a county whose population is less than 100,000.

5. ~~The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.~~

~~6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.~~

~~7.~~ As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 9. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the intervention services and intensive ~~instructional services~~ instruction provided to a pupil who *demonstrates a deficiency in the subject area of reading identified pursuant to subsection 1 of NRS 392.750 or a pupil who is retained in grade 3* will be provided intervention services and intensive instruction while the pupil is enrolled in an elementary school pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil, to the extent practicable, in a language that the parent or legal guardian can understand, at least one of the following instructional options:

1. Supplemental tutoring which is based upon evidence-based research concerning reading instruction;
2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the school district to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or
3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 10. NRS 392.775 is hereby amended to read as follows:

392.775 On or before ~~September 1~~ October 15 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public *elementary* school within the school district who : ~~were:~~

(a) ~~Retained~~ Were ~~retained~~ designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~retained in kindergarten or grade 1 or 2;~~ provided intervention services and intensive instruction; and

(b) ~~Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.~~ Received educational programs or services

identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions;

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level ~~considered~~ determined by ~~the school district~~ a statewide assessment to be within ~~the average range~~ the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; and

(3) Is considered by the school district to be within the ~~average range~~ level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled.

2. Submit a copy of the report to the Department ~~+~~, the Legislature and sponsor of the charter school.

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 11. Section 15 of chapter 334, Statutes of Nevada 2015, at page 1867, is hereby amended to read as follows:

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a ~~competitive~~ **noncompetitive** grants program. Grants must be awarded by the Department based ~~on the demonstrated needs of~~ **upon a weighted formula which will allocate funds based on need and the pupil population of the school district, and improving the literacy of pupils enrolled in elementary schools in** the school districts and charter schools and will be awarded to school districts **, to school districts approved to sponsor charter schools** and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school** established pursuant to ~~section 5 of this act~~ **NRS 388.157** and to support other school-based efforts to ensure that all pupils are ~~proficient in the subject area of reading by the end of the third grade~~ **performing at a level considered by the school district or charter school to be within the average range for pupils enrolled in each grade level.** Such school-based efforts may include, without limitation:

(a) Hiring ~~for training learning strategists~~ **literacy specialists;**

(b) **Training literacy specialists;**

(c) Entering into contracts with vendors for the purchase of **evidence-based** reading assessments, textbooks, computer software or other materials;

~~(c)~~ (d) Providing professional development for school personnel;

~~((d))~~ (e) Providing *evidence-based* programs to pupils before and after school and during intercessions or summer school; and

~~((e))~~ (f) Providing other evidence-based literacy initiatives for pupils enrolled in ~~kindergarten and grades 1, 2 and 3.~~ *elementary school.*

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data; ~~and~~

(b) Prepare and submit to the Department of Education, on or before July 1, ~~2016,~~ **2020**, a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services. ~~;~~ **and**

(c) Not use the money to supplant other budgets in the school.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;

(b) The amount of money received by each school;

(c) A description of the programs or services for which the money was used by each school;

(d) The number of pupils who participated in a program or received services;

(e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade ~~3.~~ **5.**

5. On or before August 31, ~~2016,~~ **2020**, the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, ~~2016,~~ **2020**, the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative

Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the ~~79th 80th~~ 81st Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

2. Sections 1, 2, 3, 6, 8, 9, 11 and 12 of this act become effective:

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

(b) On July 1, 2019, for all other purposes.

3. Sections 4, 5, 7 and 10 of this act become effective on July 1, 2021.

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. 291.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 386.

AN ACT relating to public safety; prohibiting certain acts relating to the modification of a semiautomatic firearm; reducing the concentration of alcohol that may be present in the blood or breath of a person while in possession of a firearm; ~~repealing~~ **revising provisions relating to** state preemption of the authority ~~of counties, cities and towns~~ to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearms accessories and ammunition; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~11~~ 2 of this bill prohibits a person from importing, selling, manufacturing, transferring, receiving or possessing: (1) any manual, power-driven or electronic device that is designed such that when the device is

attached to a semiautomatic firearm, the device **eliminates the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger and** materially increases the rate of fire of the semiautomatic firearm or approximates the action or rate of fire of a machine gun; (2) any ~~[device,]~~ part or combination of parts that functions to ~~[materially increase the rate of fire of a semiautomatic firearm by eliminating]~~ **eliminate** the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger ~~[,]~~ **and materially increases the rate of fire of the semiautomatic firearm or approximates the action or rate of fire of a machine gun;** or (3) any semiautomatic firearm that has been modified in any way that **eliminates the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger and** materially increases the rate of fire of the semiautomatic firearm or approximates the action or rate of fire of a machine gun. **Section ~~[4]~~ 2** does not apply to employees of a law enforcement agency or members of the Armed Forces of the United States who are carrying out official duties.

Section ~~[3]~~ 4 of this bill reduces the allowable concentration of alcohol that may be present in the blood or breath of a person who is in possession of a firearm from 0.10 to 0.08. (NRS 202.257)

Existing law provides that: (1) except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms; and (2) no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) **Section ~~[6]~~ 8** of this bill repeals ~~[such state preemption of the authority of counties, cities and towns to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition.]~~ **those provisions, and section 3 of this bill replaces them with a new provision that generally preempts all local governments from regulating such subjects, except that a county may enact ordinances that are more stringent than state law.** **Section ~~[5]~~ 7** of this bill makes a corresponding change to the provision authorizing a person who holds a permit to carry a concealed firearm to carry a concealed firearm in a public building under certain circumstances to reflect the possibility that a ~~[local government]~~ **county** having jurisdiction over the public building may enact an ordinance prohibiting the carrying of a concealed firearm in the public building. (NRS 202.3673)

Sections ~~[2]~~ 4 and ~~[4]~~ 6 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 202 of NRS is hereby amended by adding thereto ~~to~~ ~~new section to read as follows:~~ the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Except as otherwise provided in subsection 3, a person shall not import, sell, manufacture, transfer, receive or possess:

(a) Any manual, power-driven or electronic device that is designed such that when the device is attached to a semiautomatic firearm, the device ~~+~~ eliminates the need for the operator of a semiautomatic firearm to make a separate movement for each individual function of the trigger and:

(1) Materially increases the rate of fire of the semiautomatic firearm;
or

(2) Approximates the action or rate of fire of a machine gun;

(b) Any ~~device,~~ part or combination of parts that is designed and functions to ~~materially increase~~ eliminate the need for the operator of a semiautomatic firearm to make a separate movement for each individual function of the trigger and:

(1) Materially increases the rate of fire of a semiautomatic firearm; ~~or~~

(2) Approximates the action or rate of fire of a machine gun; ~~by eliminating the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger;~~ or

(c) Any semiautomatic firearm that has been modified in any way that ~~+~~ eliminates the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger and:

(1) Materially increases the rate of fire of the semiautomatic firearm;
or

(2) Approximates the action or rate of fire of a machine gun.

2. A person who violates any provision of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. This section does not apply to:

(a) Any employee of a federal, state or local law enforcement agency carrying out official duties.

(b) Any member of the Armed Forces of the United States carrying out official duties.

Sec. 3. 1. The Legislature hereby declares that the purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition except as expressly authorized by this section or specific statute.

2. Except as expressly authorized by this section or specific statute:

(a) The Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms; and

(b) No local government may infringe upon those rights and powers.

3. A board of county commissioners of a county may enact ordinances regulating the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition within the geographical boundaries of the county, including, without limitation, within an incorporated city located within the geographical boundaries of the county, if such ordinances are more stringent than state law governing the regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition. Notwithstanding any other provision of law, a peace officer who is employed by a local law enforcement agency may enforce the provisions of a county ordinance enacted by a board of county commissioners pursuant to this subsection within the boundaries of the jurisdiction of the local law enforcement agency that employs the peace officer.

4. A board of county commissioners, governing body of a city or town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

5. Any ordinance or regulation which is inconsistent with this section is null and void, and any official action taken by an employee or agent of a local government in violation of this section is void.

6. This section must not be construed to prevent:

(a) A state or local law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county, city or town zoning or business ordinance which is generally applicable to businesses within the county, city or town, as applicable, and thereby affects a firearms business within the county, city or town, as applicable, including, without limitation, an indoor or outdoor shooting range.

(e) A county, city or town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county, city or town, as applicable.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

7. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Local government" means any political subdivision of this State, including, without limitation, a city, a county, a town, a school district, a library district, a consolidated library district, any entity or agency that is directly or indirectly controlled by any city or county, and any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.

(e) "Local law enforcement agency" means:

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

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

~~[Sec. 2.]~~ **Sec. 4.** NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[-]~~, ~~and ~~section~~~~
~~[-] sections 2 and 3 of this act:~~

1. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

3. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

4. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

5. "Motor vehicle" means every vehicle that is self-propelled.

6. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

~~[Sec. 3.]~~ **Sec. 5.** NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of ~~10-101~~ **0.08** or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

↳ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is requested by a police officer to submit to the test. If a person to be tested fails to submit to a required test as requested by a police officer, the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of ~~10-101~~ **0.08** or more in his or her blood or breath" means ~~10-101~~ **0.08** gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

~~[Sec. 4.]~~ **Sec. 6.** NRS 202.350 is hereby amended to read as follows:

202.350 1. Except as otherwise provided in this section and NRS 202.3653 to 202.369, inclusive, a person within this State shall not:

(a) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend or possess any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sand-club, sandbag or metal knuckles;

(b) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend, possess or use a machine gun or a silencer, unless authorized by federal law;

(c) With the intent to inflict harm upon the person of another, possess or use a nunchaku or trefoil; or

(d) Carry concealed upon his or her person any:

(1) Explosive substance, other than ammunition or any components thereof;

(2) Machete; or

(3) Pistol, revolver or other firearm, other dangerous or deadly weapon or pneumatic gun.

2. Except as otherwise provided in NRS 202.275 and 212.185, a person who violates any of the provisions of:

(a) Paragraph (a) or (c) of subsection 1 or subparagraph (2) of paragraph (d) of subsection 1 is guilty:

(1) For the first offense, of a gross misdemeanor.

(2) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

(b) Paragraph (b) of subsection 1 or subparagraph (1) or (3) of paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in this subsection, the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this State the concealed weapon described in the permit. This subsection does not authorize the sheriff to issue a permit to a person to carry a pistol, revolver or other firearm.

4. Except as otherwise provided in subsection 5, this section does not apply to:

(a) Sheriffs, constables, marshals, peace officers, correctional officers employed by the Department of Corrections, special police officers, police officers of this State, whether active or honorably retired, or other appointed officers.

(b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such an officer.

(c) Any full-time paid peace officer of an agency of the United States or another state or political subdivision thereof when carrying out official duties in the State of Nevada.

(d) Members of the Armed Forces of the United States when on duty.

5. The exemptions provided in subsection 4 do not include a former peace officer who is retired for disability unless his or her former employer has approved his or her fitness to carry a concealed weapon.

6. The provisions of paragraph (b) of subsection 1 do not apply to any person who is licensed, authorized or permitted to possess or use a machine

gun or silencer pursuant to federal law. The burden of establishing federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.

7. This section shall not be construed to prohibit a qualified law enforcement officer or a qualified retired law enforcement officer from carrying a concealed weapon in this State if he or she is authorized to do so pursuant to 18 U.S.C. § 926B or 926C.

8. As used in this section:

(a) “Concealed weapon” means a weapon described in this section that is carried upon a person in such a manner as not to be discernible by ordinary observation.

(b) “Honorably retired” means retired in Nevada after completion of 10 years of creditable service as a member of the Public Employees’ Retirement System. A former peace officer is not “honorably retired” if he or she was discharged for cause or resigned before the final disposition of allegations of serious misconduct.

~~(c) “Machine gun” means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.~~

~~(d) “Nunchaku” means an instrument consisting of two or more sticks, clubs, bars or rods connected by a rope, cord, wire or chain used as a weapon in forms of Oriental combat.~~

~~(e) (d) “Pneumatic gun” has the meaning ascribed to it in NRS 202.265.~~

~~(f) (e) “Qualified law enforcement officer” has the meaning ascribed to it in 18 U.S.C. § 926B(c).~~

~~(g) (f) “Qualified retired law enforcement officer” has the meaning ascribed to it in 18 U.S.C. § 926C(c).~~

~~(h) (g) “Silencer” means any device for silencing, muffling or diminishing the report of a firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a silencer or muffler, and any part intended only for use in such assembly or fabrication.~~

~~(i) (h) “Trefoil” means an instrument consisting of a metal plate having three or more radiating points with sharp edges, designed in the shape of a star, cross or other geometric figure and used as a weapon for throwing.~~

~~Sec. 5.] Sec. 7. NRS 202.3673 is hereby amended to read as follows:~~

~~202.3673 1. Except as otherwise provided in subsections 2 ~~and 3,~~ 3 and 4, a permittee may carry a concealed firearm while the permittee is on the premises of any public building.~~

~~2. A permittee shall not carry a concealed firearm while the permittee is on the premises of any public building if the ~~local government~~ county having jurisdiction over the public building has enacted an ordinance prohibiting the carrying of a concealed firearm on the premises of the public building.~~

3. A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.

~~3.4~~ 4. A permittee shall not carry a concealed firearm while the permittee is on the premises of:

(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection ~~4~~.

~~4~~ 5.

5. The provisions of paragraph (b) of subsection ~~3~~ 4 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

~~5~~ 6. A person who violates ~~subsection 2 or 3~~ **this section** is guilty of a misdemeanor.

~~6~~ 7. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

(b) "Public building" means any building or office space occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➔ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

~~{Sec. 6.}~~ *Sec. 8.* NRS 244.364, 268.418 and 269.222 are hereby repealed.

~~{Sec. 7.}~~ *Sec. 9.* This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

244.364 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of county; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No county may infringe upon those rights and powers.

3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.

5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.

6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership

records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.

(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual

components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) “Firearm” includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) “Firearm accessories” means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) “Person” includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and

(III) Is subject to the county ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) “Political subdivision” includes, without limitation, a state agency, county, city, town or school district.

(f) “Public employer” has the meaning ascribed to it in NRS 286.070.

268.418 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of city; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No city may infringe upon those rights and powers.

3. The governing body of a city may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.

5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.

6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or

ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.

(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and

(III) Is subject to the city ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

269.222 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of town; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.

1. The Legislature hereby declares that:

(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.

(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.

(c) This section must be liberally construed to effectuate its purpose.

2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No town may infringe upon those rights and powers.

3. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.

4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.

5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.

6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this

subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.

7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:

(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.

(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.

8. This section must not be construed to prevent:

(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.

(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.

(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.

(d) The enactment or enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.

(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.

(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.

(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.

9. As used in this section:

(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.

(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.

(c) "Firearm accessories" means:

(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or

(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.

(d) "Person" includes, without limitation:

(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.

(2) Any person who:

(I) Can legally possess a firearm under state and federal law;

(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and

(III) Is subject to the town ordinance or regulation at issue.

(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.

(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.

(f) "Public employer" has the meaning ascribed to it in NRS 286.070.

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. 298.

Bill read second time.

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

Amendment No. 417.

SUMMARY—Requires an agency which provides child welfare services to adopt ~~to adopt certain plans relating to the placement of children;~~ **a plan for the recruitment and retention of foster homes.** (BDR 38-1061)

CONTAINS UNFUNDED MANDATE ~~(SS) (§ 1 (2))~~

(Not Requested by Affected Local Government)

AN ACT relating to child welfare; requiring each agency which provides child welfare services to adopt ~~plans;~~ **a plan** for the recruitment and retention of foster homes; ~~and the placement of children;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an agency which provides child welfare services is responsible for ~~[(1)]~~ licensing and regulating foster homes. ~~[(2)]~~ determining whether a child is in need of protection; and (3) placing or assisting the court in the placement of a child who is determined to be in need of protection. (NRS 424.016, 424.030 ~~[(432B.330, 432B.390, 432B.550)]~~ Section 1 of this) **This** bill requires an agency which provides child welfare services to adopt a plan for the recruitment and retention of foster homes. ~~Section 1~~ **This bill** also requires an agency which provides child welfare services to appoint one or more employees to ~~establish targets for the retention and recruitment of foster homes in the area served by the agency or each region into which that area is divided, as applicable. Section 2 of this bill requires an agency which provides child welfare services to adopt a plan for the placement of children. Section 2 also requires an agency which provides child welfare services to appoint one or more employees to: (1) evaluate the manner in which the plan for the placement of children is carried out, and (2) make recommendations concerning any necessary updates to the plan.]~~ : **(1) develop, carry out and evaluate the implementation of the plan; and (2) evaluate certain other issues relating to the ability of existing foster homes to meet the needs of children.**

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agency which provides child welfare services shall adopt ~~and~~, publish on an Internet website maintained by the agency and update annually a plan for the recruitment and retention of foster homes which must include, without limitation ~~plans to~~:

(a) ~~Determine~~ A determination of the number of foster homes needed ~~in each region served by the agency or, if the agency is not divided into regions,~~ in the area served by the agency. ~~including, without limitation, the number of foster homes needed to~~ When making that determination, the agency must consider the needs of children in foster care in the area served by the agency with respect to:

- (1) ~~Accommodate~~ The ages of the children;**
- (2) Accommodating siblings ~~remaining~~ to remain together; ~~and~~**
- (2) ~~Serve~~**
- (3) ~~Serving~~ children ~~with autism spectrum disorders,~~ who have ~~other~~ intellectual or developmental disabilities and who have other special needs ~~f~~**
- ~~(b) Recruit, support and retain foster homes to accommodate the needs identified pursuant to paragraph (a); and~~**
- (4) Addressing the needs of children in foster care to receive care provided in a racially and culturally competent manner.**

(b) Specific goals for the number of foster homes needed in the geographic area served by the agency.

(c) If the agency failed to meet the goals established pursuant to paragraph (b) for the immediately preceding year, a description of the measures that the agency plans to take to ensure that the agency meets those targets during the immediately following year.

(d) A plan to ensure that, to the extent possible, a foster home in which a child is placed pursuant to NRS 432B.550 is located in:

(1) The same community as the home from which the child was removed; and

(2) The zone of attendance of the public school that the child was attending when he or she was removed from that home, if applicable.

(e) Strategies for recruiting foster homes in geographic areas with a high rate of placement of children in protective custody.

(f) An identification of resources available to support foster parents.

2. An agency which provides child welfare services shall appoint one or more employees to :

~~(a) Develop and carry out the plan adopted pursuant to subsection 1. In accordance with the plan, each such employee or group of employees shall establish, for the area for which the employee or group of employees is responsible, recruitment and retention targets for:~~

~~(a) The total number of foster homes in the area; and~~

~~(b) The number of foster homes described in subparagraphs (1) and (2) of paragraph (a) of subsection 1 in the area.~~

~~3. Each employee or group of employees appointed pursuant to subsection 2 shall make recommendations to the agency which provides child welfare services concerning any necessary revisions to the plan adopted pursuant to subsection 1. The agency shall annually update the plan in accordance with the recommendations of the employee or group of employees.~~

~~4.]~~

(b) Evaluate the implementation of the plan, the degree to which existing procedures for placing children in foster homes meet the needs of those children and use resources efficiently, any gaps in services for children placed in protective custody or foster care and any barriers to placing children in accordance with paragraph (d) of subsection 1.

3. On or before ~~January 31~~ August 1 of each year, an agency which provides child welfare services shall publish on an Internet website maintained by the agency a report which includes, without limitation ~~[-~~

~~(a) Information], information~~ relating to whether the agency achieved the ~~recruitment and retention targets} goals~~ established pursuant to

paragraph (b) of subsection ~~[2] 1~~ for each quarter of the immediately preceding year. ~~[- and~~

~~(b) If the agency failed to meet those targets, a description of measures the agency plans to take to ensure that the agency meets those targets in the future.]~~

Sec. 2. [Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

~~An agency which provides child welfare services shall:~~

~~1. Adopt and publish on an Internet website maintained by the agency a plan for the placement of children, which must include, without limitation, plans to ensure that, to the extent possible:~~

~~(a) A child, including, without limitation, a child who is alleged or determined to be in need of protection based on a finding of neglect, remains or is placed in the home of his or her parent or guardian when the agency which provides child welfare services determines that such placement is safe.~~

~~(b) A child for whom the agency which provides child welfare services is not able to identify a safe placement pursuant to paragraph (a) is placed in the home of a person who is related within the fifth degree of consanguinity or a fictive kin, and who is suitable and able to provide proper care and guidance for the child when such placement is determined by the agency which provides child welfare services to be safe.~~

~~(c) A child for whom the agency which provides child welfare services is not able to identify a safe placement pursuant to paragraph (a) or (b) is placed in a foster home that is:~~

~~(1) Licensed pursuant to chapter 424 of NRS; and~~

~~(2) Located in the same community as the home from which the child was removed and the zone of attendance of the public school that the child was attending at the time of removal, if applicable.~~

~~(d) The relatives and fictive kin of a child are engaged in determining the placement of the child.~~

~~2. Appoint one or more employees to evaluate the manner in which the plan adopted pursuant to subsection 1 is carried out. Each such employee or group of employees shall:~~

~~(a) Evaluate the manner in which the plan is carried out in individual cases to assess:~~

~~(1) The manner in which the plan addresses the needs of children and uses available resources;~~

~~(2) Any gaps in services for children; and~~

~~(3) Any barriers to the placement of children as described in paragraphs (a), (b) and (c) of subsection 1.~~

~~(b) Make recommendations to the agency concerning any necessary revisions to the plan.~~

~~3. Annually update the plan described in subsection 1 in accordance with the recommendations of the employee or group of employees appointed pursuant to subsection 2.] (Deleted by amendment.)~~

Sec. 2.5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. 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. 305.

Bill read second time.

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

Amendment No. 508.

SUMMARY—Revises provisions relating to certain financial transactions. (BDR ~~{52-1060}~~ **56-1060**)

AN ACT relating to financial services; ~~{requiring}~~ **imposing various requirements on** certain ~~{persons who provide}~~ **financial transactions in which a person provides** money to a consumer who is a party to a pending legal action in this State; ~~{to register with the Commissioner of Financial Institutions;}~~ **prohibiting such {persons} a person** from charging an annual percentage rate greater than 40 percent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of installment loans, including the regulation and licensing of persons engaged in the business of lending in this State, by the Commissioner of Financial Institutions. (Chapter 675 of NRS). Sections ~~{2-15}~~ 2-11.8 of this bill establish provisions relating to transactions in which a person provides a consumer who is a party to a pending legal action in this State with money and the consumer confers to that person the right to receive the proceeds or a part of the proceeds of the settlement, insurance payment, award of damages or any other money expected as a result of the legal action of the consumer. **Section 9** of this bill designates this type of transaction as a "presettlement funding transaction." **Section 8** of this bill designates the provider of money to a consumer in such a transaction as a "presettlement funding provider." **Section 11.8 of this bill provides that such a transaction is deemed a loan of money, thereby subjecting presettlement funding transactions and presettlement funding providers to the applicable provisions of existing law, including licensure requirements, governing installment loans.** ~~{Section 12 of this bill requires a person who wishes to act as a presettlement funding provider to register with the Commissioner of Financial Institutions. Sections 12-14 of this bill establish certain requirements for the registration of presettlement funding providers. Section 15 of this bill: (1)}~~

Section 11.2 of this bill requires a presettlement funding contract to: (1) authorize a consumer to receive cash advances in periodic installments or a lump sum; (2) provide for the establishment of an open-end account for the consumer; (3) require interest and other charges to be computed periodically; (4) authorize a consumer to pay his or her account in full without penalty; and (5) contain a statement of the maximum amount the consumer may be obligated to pay under the transaction. Section 11.3 of this bill prohibits a presettlement funding provider from entering into a presettlement funding transaction with a consumer if the annual percentage rate charged is more than 40 percent . [- and (2) provides that a presettlement funding contract entered into in violation of section 15 is void.] Section 11.3 also sets forth the method in which interest is required to be calculated.

Section 11.6 of this bill prohibits a presettlement funding provider from: (1) paying certain commissions for the referral of a consumer; (2) referring a consumer to engage certain professionals; (3) entering into a presettlement funding transaction with a consumer who has previously entered into such a transaction concerning the same legal action; (4) influencing decisions with respect to the underlying legal action; (5) determining the amount to be repaid as a percentage of the recovery of the legal claim of the consumer; or (6) taking certain actions that result in charging an interest rate that exceeds an annual percentage rate of 40 percent. Section 11.7 of this bill provides that certain violations of the provisions of this bill cause a presettlement funding contract to be void.

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

Section 1. Chapter ~~597~~ 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~15~~ 11.7, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~15~~ 11.7 inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~2~~ 4 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~“Commissioner” means the Commissioner of Financial Institutions.~~ **(Deleted by amendment.)**

Sec. 4. “Consumer” means a natural person who:

1. Resides or is domiciled in this State; or
2. Is a party to a legal action pending before a federal or state court located in this State.

Sec. 5. 1. “Legal action” means:

(a) A bona fide civil action or statutory or regulatory claim for which damages may be awarded to the claiming party; or

(b) A cause of action or legal claim upon which a civil action or statutory or regulatory claim described in paragraph (a) may be based.

2. The term includes, without limitation:

(a) Any settlement or negotiation toward a settlement of a civil action or statutory or regulatory claim described in paragraph (a) of subsection 1; or

(b) Any agreement or negotiations toward an agreement pursuant to which a civil action or statutory or regulatory claim based upon a cause of action described in paragraph (b) of subsection 1 would not be initiated.

Sec. 6. “Presettlement funding” means the money provided ~~directly or indirectly~~ to a consumer by a presettlement funding provider in a presettlement funding transaction.

Sec. 7. “Presettlement funding contract” means a written ~~for oral~~ nonrecourse agreement between a consumer and a presettlement funding provider that provides for a presettlement funding transaction.

Sec. 8. 1. “Presettlement funding provider” means a person who enters into a presettlement funding transaction with a consumer.

2. The term includes, without limitation:

(a) An affiliate or subsidiary of a presettlement funding provider;

(b) A person who buys a whole or partial interest in presettlement funding;

(c) A person who acts as an agent to provide presettlement funding from a third party for a fee; and

(d) A person who acts as an agent for a third party in providing presettlement funding for a fee, regardless of whether approval or acceptance by the third party is necessary to create a legal obligation for the third party.

3. The term does not include an attorney who provides professional services to a consumer on a contingency basis in relation to the legal claim of the consumer.

Sec. 9. “Presettlement funding transaction” means a transaction in which:

1. A presettlement funding provider provides presettlement funding to a consumer; and

2. The consumer assigns, conveys or otherwise confers to the presettlement funding provider the right to receive the proceeds or part thereof, of the settlement, insurance payment or award of damages obtained in the legal action of the consumer or any other money expected as a result of the legal action of the consumer.

Sec. 10. “Regulation Z” means the federal regulations, as amended, 12 C.F.R. Part 226, adopted pursuant to the Truth in Lending Act and commonly known as Regulation Z.

Sec. 11. “Truth in Lending Act” means the federal Truth in Lending Act, as amended, 15 U.S.C. §§ 1601 et seq.

Sec. 11.2. 1. A licensee may enter into a presettlement funding contract with a consumer. Pursuant to a presettlement funding contract:

(a) The consumer may obtain cash advances in a lump sum or in periodic installments by a check, draft, credit card or any other means or the licensee may pay out money at the consumer’s direction or on his or her behalf;

(b) An open-end account must be established for the consumer and the amount of each cash advance made to the consumer and any interest, charges and other costs must be debited to that account and any payments on the loan or other credits must be credited to that account;

(c) The interest and other charges must be computed periodically on the unpaid balance in the consumer's account; and

(d) The consumer may pay his or her account in full at any time without a penalty for prepayment.

2. The presettlement funding contract must contain a statement of the maximum amount the consumer may be obligated to pay under the presettlement funding contract.

Sec. 11.3. 1. A licensee who is a presettlement funding provider shall not enter into a presettlement funding transaction with a consumer if the annual percentage rate charged by the presettlement funding provider is more than 40 percent.

2. The interest charged in a presettlement funding transaction must be calculated in the manner set forth in paragraph (a) or (b) of subsection 1 of NRS 675.363.

3. If, pursuant to a presettlement funding contract:

(a) The consumer receives cash advances in periodic installments or the presettlement funding provider pays out money at the consumer's direction or on his or her behalf periodically, the billing cycle must be monthly.

(b) The consumer receives a cash advance in a single lump sum or the presettlement funding provider pays out money at the consumer's direction or on his or her behalf in a single lump sum, the billing cycle must be at least annually.

4. All aspects of a presettlement funding transaction, including, without limitation, interest calculations, must comply with the Truth in Lending Act and Regulation Z.

Sec. 11.4. In addition to the interest allowed pursuant to section 11.3 of this act, a licensee who is a presettlement funding provider may, pursuant to the presettlement funding contract, receive from the consumer or add to the unpaid balance in that consumer's account any applicable fee or charge set forth in NRS 675.365.

Sec. 11.5. 1. If the account of a consumer on a presettlement funding transaction shows a balance due or if any debits or credits were entered on that account during a billing cycle, the licensee shall furnish to the consumer, within a reasonable time after the end of the billing cycle, a written statement setting forth:

(a) The total amount borrowed on his or her account at the beginning of the billing cycle;

(b) The date and amount of any advances made on the account during the billing cycle;

(c) Any payments or other credits made or received on the account during the billing cycle, if any;

(d) The amount of interest and other charges, if any, made on the account during the billing cycle;

(e) The amount of the installment due and the date on which that payment must be received; and

(f) The total amount remaining unpaid in the account at the end of that billing cycle.

2. The total amount remaining unpaid in the account at the end of the billing cycle must not at any time exceed the maximum amount the consumer may be obligated to pay under the presettlement funding contract less any and all payments and other credits received on the account.

Sec. 11.6. A licensee who is a presettlement funding provider shall not:

1. Pay a commission or other form of consideration to an attorney or medical provider for referring a consumer to the presettlement funding provider;

2. Refer a consumer to engage a specific attorney or medical provider;

3. Knowingly provide presettlement funding to a consumer who has previously entered into a presettlement funding transaction concerning the same legal action;

4. Influence or attempt to influence any decisions with respect to the legal action of the consumer;

5. Enter into a presettlement funding contract in which the amount to be paid to the presettlement funding provider is determined as a percentage of the recovery of the legal claim of a consumer; or

6. Refinance, roll over or extend a presettlement funding contract if such action results in compounding interest or interest exceeding an annual percentage rate of 40 percent.

Sec. 11.7. In addition to any other remedy or penalty, if a licensee who is a presettlement funding provider willfully:

1. Enters into a presettlement funding contract for an amount of interest or any other charge or fee that violates the provisions of sections 2 to 11.7 of this act or any regulation adopted pursuant thereto;

2. Demands, collects or receives an amount of interest or any other charge or fee that violates the provisions of sections 2 to 11.7 of this act or any regulation adopted pursuant thereto; or

3. Commits any other act or omission that violates the provisions of sections 2 to 11.7 of this act or any regulations adopted pursuant thereto, ~~the~~ the presettlement funding contract is void and the licensee is not entitled to collect, receive or retain any interest or other charges or fees with respect to the presettlement funding contract other than the return of the principal.

Sec. 11.8. NRS 675.330 is hereby amended to read as follows:

675.330 The payment of money, credit, goods or things in action, as consideration for any sale, assignment or order for the payment of wages, salary, commissions or other compensation for services earned or to be earned ~~or~~ or as consideration for an assignment or conveyance of the contingent right to receive the potential proceeds or part thereof of a settlement,

insurance payment or award of damages obtained in a legal action, shall, for the purposes of regulation under this chapter, be deemed a loan of money secured by the sale, assignment or order. The amount by which the compensation so sold, assigned or ordered paid exceeds the amount of the consideration actually paid shall, for the purposes of regulation under this chapter, be deemed interest or charges on the loan from the date of the payment to the date the compensation is payable. Such a transaction is subject to the provisions of this chapter.

~~Sec. 12. **1.** A person shall not act as a presettlement funding provider unless the person is registered with the Commissioner as a presettlement funding provider.~~

~~2. A person who wishes to register with the Commissioner as a presettlement funding provider must submit to the Commissioner the fee established pursuant to subsection 5 and an application, on a form prescribed by the Commissioner, which must contain:~~

~~(a) The name and address of the applicant; and~~

~~(b) Such other information as the Commissioner may require by regulation.~~

~~3. Each applicant for initial registration as a presettlement funding provider shall submit with the application a complete set of his or her fingerprints and written permission authorizing the Department of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~4. Registration as a presettlement funding provider expires on December 31 of each year and may be renewed upon submission of an application for renewal containing such information as the Commissioner may require by regulation.~~

~~5. The Commissioner shall establish by regulation fees for the issuance and renewal of registration as a presettlement funding provider in an amount necessary to cover the costs of carrying out sections 2 to 15, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 13. **1.** In addition to the requirements set forth in section 12 of this act, a natural person who applies for registration or the renewal of registration as a presettlement funding provider shall:~~

~~(a) Include the social security number of the applicant in the application submitted to the Commissioner; and~~

~~(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Commissioner shall include the statement required pursuant to subsection 1 in:~~

~~—(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or~~

~~—(b) A separate form prescribed by the Commissioner.~~

~~—3. Registration as a presettlement funding provider may not be issued or renewed by the Commissioner if the applicant:~~

~~—(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~—(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~—4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.} (Deleted by amendment.)~~

~~Sec. 14. {1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is registered as a presettlement funding provider, the Commissioner shall deem the registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~—2. The Commissioner shall reinstate the registration of a presettlement funding provider that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.} (Deleted by amendment.)~~

~~Sec. 15. {1. A presettlement funding provider shall not enter into a presettlement funding transaction with a consumer if the annual percentage rate charged by the presettlement funding provider is more than 40 percent.~~

~~—2. For the purposes of this section, the annual percentage rate charged by the presettlement funding provider must be calculated in accordance with the Truth in Lending Act and Regulation Z.~~

~~—3. A presettlement funding contract entered into in violation of this section is void.} (Deleted by amendment.)~~

Sec. 16. The amendatory provisions of this act do not apply to any contract entered into before October 1, 2019, until the contract is extended or renewed.

Sec. 17. ~~1. This act becomes effective on October 1, 2019.~~

~~2. Sections 13 and 14 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children;~~
~~are repealed by the Congress of the United States. (Deleted by amendment.)~~

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 198.

SUMMARY—~~[Creates the Nevada Database of Gangs.] Establishes provisions governing the use of a gang database by a local law enforcement agency.~~ (BDR 14-897)

AN ACT relating to criminal gangs; ~~creating the Nevada Database of Gangs; establishing provisions regarding the contents, use and operation of the Nevada Database of Gangs; requiring the Director of the Department of Public Safety to adopt regulations relating to the Nevada Database of Gangs;~~ **establishing provisions governing the use of a gang database by a local law enforcement agency;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~creates the Nevada Database of Gangs, a statewide database containing information submitted by law enforcement agencies about the members of criminal gangs in Nevada.~~

~~Section 8 of this bill sets forth a statement of legislative findings and declarations about the establishment of a statewide database regarding criminal gangs. Section 9 of this bill: (1) creates the Nevada Database of Gangs within the Central Repository for Nevada Records for Criminal History, which may be known and cited as NDOG; (2) requires the Central Repository to establish and maintain NDOG for the purpose of assisting law enforcement agencies and prosecutors in investigating and prosecuting crimes committed by members of a criminal gang; and (3) requires the Director of the Department of Public Safety to adopt regulations relating to NDOG.~~

~~Section 10 of this bill provides that information contained in NDOG is: (1) confidential; (2) not a public record and not available to the general public; and (3) available only to federal, state and local law enforcement agencies and prosecutors carrying out official duties. Section 11 of this bill requires each law enforcement agency or prosecutor using NDOG to: (1) identify a system administrator who is responsible for auditing the use of NDOG; and (2) ensure that any user of NDOG receives training on its use before being granted access to NDOG. Section 12 of this bill provides that the Director, the Central Repository and its officers and employees, a law enforcement agency and its officer and employees, and an office of a prosecutor and its officers and employees are immune from civil liability for an act or omission relating to information submitted, obtained, maintained or disclosed pursuant to this bill.~~

establishes provisions governing the use of a gang database by a local law enforcement agency. This bill provides that if a local law enforcement agency uses a gang database: (1) the database must be the database used by the largest local law enforcement agency in Nevada; (2) if a person is registered in the database, written notice and an opportunity to contest the registration must be provided to the person; (3) a person registered in the database must be allowed to request removal of his or her registration in the database; and (4) any file relating to a person must be deleted from the database not later than 5 years after the date on which the person last had contact with the local law enforcement agency.

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

Section 1. ~~{File 14}~~ **Chapter 179A** of NRS is hereby amended by adding thereto a new ~~chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.~~ **section to read as follows:**

1. If a local law enforcement agency uses a gang database for the purposes of identifying suspected members and affiliates of a criminal gang, the local law enforcement agency must comply with the following requirements:

(a) The database used by the local law enforcement agency must be the database used by the largest local law enforcement agency in this State.

(b) If a person is registered in the database, the local law enforcement agency must provide to the person written notice of his or her registration. Such written notice must include, without limitation, detailed instructions on the process for contesting registration as provided in this section.

(c) A person who wishes to contest registration in the database must be given the following period after receiving notification pursuant to paragraph (b) to contest registration in the database:

(1) For a person who is confined in a state or local correctional or detention facility, 10 calendar days.

(2) For a person who is not confined in a state or local correctional or detention facility, 30 calendar days.

(d) To contest registration in the database, a person must be allowed:

(1) To submit to the local law enforcement agency a written statement or other evidence; or

(2) To request, in writing, an in-person interview with a representative of the local law enforcement agency. The in-person interview must be conducted as soon as reasonably practicable at a date and time convenient to the person who is contesting his or her registration.

(e) A person who is registered in the database must be allowed to request removal of his or her registration in the database:

(1) By submitting to the local law enforcement agency a written statement or other evidence; or

(2) By requesting, in writing, an in-person interview with a representative of the local law enforcement agency. The in-person interview must be conducted as soon as reasonably practicable at a date and time convenient to the person who is requesting removal of his or registration from the database.

(f) The file relating to any person who is registered in the database must be deleted from the database not later than 5 years after the date on which the person last had contact with the local law enforcement agency.

2. As used in this section:

(a) “Contact” means contact with a local law enforcement agency during the investigation of a crime or report of an alleged crime.

(b) “Criminal gang” means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:

(1) Has a common name or identifying symbol;

(2) Has particular conduct, status and customs indicative of it; and

(3) Has as one of its common activities engaging in criminal activity punishable as a felony.

(c) “Local law enforcement agency” means:

(1) The sheriff’s office of a county;

(2) A metropolitan police department; or

(3) A police department of an incorporated city.

~~Sec. 2. [As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 3. [“Central Repository” means the Central Repository for Nevada Records of Criminal History.] (Deleted by amendment.)~~

~~Sec. 4. [“Criminal gang” means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:~~

~~1. Has a common name or identifying symbol;~~

~~2. Has particular conduct, status and customs indicative of it; and~~

~~3. Has as one of its common activities engaging in criminal activity punishable as a felony.] (Deleted by amendment.)~~

Sec. 5. ~~“Director” means the Director of the Department of Public Safety.~~ (Deleted by amendment.)

Sec. 6. ~~“NDOG” means the Nevada Database of Gangs created pursuant to section 9 of this act.~~ (Deleted by amendment.)

Sec. 7. ~~“Prosecutor” has the meaning ascribed to it in NRS 241A.030.~~ (Deleted by amendment.)

Sec. 8. ~~The Legislature hereby finds and declares that:~~
~~1. The proliferation of criminal gangs and crimes committed by criminal gangs is a matter of statewide concern that affects both urban and rural areas of this State.~~
~~2. Local law enforcement agencies bear primary responsibility for combatting crimes committed by criminal gangs, and this responsibility has placed a burden on the existing resources of local law enforcement agencies throughout this State. Therefore, the State of Nevada has an obligation to make additional support available to local law enforcement agencies and prosecutors by increasing assistance in the investigation and prosecution of crimes committed by criminal gangs and enhancing the ability to collect, analyze and disseminate information on the activities and membership of criminal gangs.~~
~~3. To help in containing the spread of crimes committed by criminal gangs, the development of a computerized statewide database will improve the amount, quality and consistency of data available to law enforcement agencies about the activities and membership of criminal gangs.~~ (Deleted by amendment.)

Sec. 9. ~~1. There is hereby created within the Central Repository the Nevada Database of Gangs, which may be known and cited as NDOG.~~
~~2. The Central Repository shall establish and maintain NDOG for the purpose of assisting law enforcement agencies and prosecutors in this State in investigating and prosecuting criminal activity by members of a criminal gang.~~
~~3. The Director shall adopt regulations that:~~
~~(a) Set forth policies, procedures and criteria for a law enforcement agency to follow for submitting names of persons believed to be members of a criminal gang and information regarding those persons for inclusion in NDOG.~~
~~(b) Establish a process for a person whose name and information are submitted for inclusion in NDOG to receive:~~
~~(1) Notice of the submission of his or her name and information for inclusion in NDOG; and~~
~~(2) If the person wishes to challenge the inclusion of his or her name and information in NDOG, an opportunity to be heard and to dispute the inclusion of his or her name and information in NDOG.~~
~~(c) Ensure that NDOG is operated in accordance with all applicable federal regulations governing state law enforcement databases that are shared with other law enforcement agencies, including, without limitation,~~

~~provisions relating to auditing and access to the data.] (Deleted by amendment.)~~

~~Sec. 10. [All information contained in NDOG is:~~

- ~~1. Confidential;~~
- ~~2. Not a public record and not available to the general public; and~~
- ~~3. Available only to federal, state and local law enforcement agencies and prosecutors for carrying out official duties.] (Deleted by amendment.)~~

~~Sec. 11. [Each law enforcement agency or prosecutor using NDOG shall:~~

- ~~1. Identify a system administrator who is responsible for annually auditing the use of NDOG within his or her respective agency or office to ensure compliance with policies established for the use of the database; and~~
- ~~2. Ensure that any user of NDOG receives training on the use of NDOG before being granted access to NDOG.] (Deleted by amendment.)~~

~~Sec. 12. [The Director, the Central Repository and its officers and employees, a law enforcement agency and its officers and employees, and an office of a prosecutor and its officers and employees are immune from criminal or civil liability for an act or omission relating to information submitted, obtained, maintained or disclosed pursuant to the provisions of this chapter, including, without limitation, an act or omission relating to:~~

- ~~1. The inclusion of or failure to include in NDOG the name or other information pertaining to a specific person;~~
- ~~2. The accuracy of information in NDOG; or~~
- ~~3. The disclosure of or the failure to disclose information in NDOG.] (Deleted by amendment.)~~

~~Sec. 13. [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 10~~

~~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. (Deleted by amendment.)~~

Sec. 14. 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. 310.

Bill read second time.

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

Amendment No. 560.

AN ACT relating to prescriptions; requiring a prescription to be given to a pharmacy by electronic transmission in certain circumstances; providing

certain exemptions; authorizing professional discipline **and administrative penalties** against a practitioner who violates that requirement; ~~providing a penalty;~~ **authorizing a written prescription to be given indirectly;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the manner in which a prescription must be given. (NRS 639.2353) **Section 7** of this bill requires a prescription **for a controlled substance** to be given to a pharmacy by electronic transmission, except in certain cases including: (1) prescriptions issued by a veterinarian; (2) certain situations where an electronic prescription is not practical or feasible or is prohibited by federal law; (3) when a prescription is not issued to a specific person; and (4) pursuant to a waiver granted by the State Board of Pharmacy under exceptional circumstances. ~~Sections ~~1-6~~ 1-7~~ of this bill authorize professional discipline to be taken against a practitioner who fails to comply with the requirements of **section 7**. ~~Additionally, because any violation of the provisions of the chapter is a misdemeanor, violation of those requirements would also be a misdemeanor. (NRS 639.310)~~ **Section 7 additionally authorizes the imposition of administrative penalties against such a practitioner, and sections 7 and 9.5 of this bill provide that such a practitioner is subject only to those administrative penalties or professional discipline and is not subject to criminal penalties. Sections ~~8-12~~ 8-11** of this bill make conforming changes. **Section 8 also generally authorizes a written prescription to be given indirectly when an electronic prescription is not required.**

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

Section 1. NRS 630.3062 is hereby amended to read as follows:

630.3062 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(b) Altering medical records of a patient.

(c) Making or filing a report which the licensee knows to be false, failing to file a record or report as required by law or knowingly or willfully obstructing or inducing another to obstruct such filing.

(d) Failure to make the medical records of a patient available for inspection and copying as provided in NRS 629.061, if the licensee is the custodian of health care records with respect to those records.

(e) Failure to comply with the requirements of NRS 630.3068.

(f) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(g) Failure to comply with the requirements of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, **and section 7 of this act** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

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

2. As used in this section, “custodian of health care records” has the meaning ascribed to it in NRS 629.016.

Sec. 2. NRS 631.3475 is hereby amended to read as follows:

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

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist’s patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
 - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;
7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;
8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;
9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, **and section 7 of this act** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

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

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

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

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

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

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

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

Sec. 3. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

↪ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

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

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

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, **and section 7 of this act** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351.

Sec. 4. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

➔ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

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

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

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

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, **and section 7 of this act** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

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

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

- (a) Deny an application for a license or refuse to renew a license.
- (b) Suspend or revoke a license.
- (c) Place a licensee on probation.
- (d) Impose a fine not to exceed \$5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Failure to comply with the requirements of subsection 1 of NRS 635.118.

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

(o) Willful violation of the regulations adopted by the State Board of Pharmacy.

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

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

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

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(q) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

➔ This paragraph applies to an owner or other principal responsible for the operation of the facility.

(r) Failure to obtain any training required by the Board pursuant to NRS 635.116.

(s) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, **and section 7 of this act** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

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

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

Sec. 6. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.
2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.
3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.
4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.
5. Habitual drunkenness or addiction to any controlled substance.
6. Gross incompetency.
7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.
8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.
9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.
10. Perpetration of unethical or unprofessional conduct in the practice of optometry.
11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
 - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.
12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.
13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.↪ This subsection applies to an owner or other principal responsible for the operation of the facility.
14. Failure to obtain any training required by the Board pursuant to NRS 636.2881.

15. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, **and section 7 of this act** and any regulations adopted by the State Board of Pharmacy pursuant thereto.

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

Sec. 7. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, a prescription for a controlled substance must be given to a pharmacy by electronic transmission in accordance with the regulations adopted by the Board. The requirements of this subsection do not apply to a prescription:

(a) Issued by a veterinarian;

(b) Issued under circumstances prescribed by regulation of the Board where:

(1) Electronic transmission is unavailable due to technologic or electronic failure; or

(2) The drug will be dispensed at a pharmacy located outside of this State;

(c) Issued by a practitioner who will also dispense the drug;

(d) That includes, without limitation, information that is not supported by the program for electronically transmitting prescriptions prescribed by the National Council for Prescription Drug Programs or its successor organization or, if that entity ceases to exist, a program designated by the Board;

(e) For which electronic prescribing is prohibited by federal law;

(f) That is not issued for a specific patient;

(g) Issued pursuant to a protocol for research;

(h) Issued by a practitioner who has received a waiver from the Board pursuant to subsection 2; or

(i) Issued under circumstances in which the practitioner determines that:

(1) The patient is unable to obtain the drug in a timely manner if the prescription is given by electronic transmission; and

(2) Delay will adversely affect the patient's medical condition.

2. The Board may exempt a practitioner from the requirements of subsection 1 for not more than 1 year if the Board determines that the practitioner is unable to give a prescription to a pharmacy by electronic transmission because of economic hardship, technological limitations that are not within the control of the practitioner or other exceptional circumstances.

3. A prescription for a controlled substance given to a pharmacy by a means other than electronic transmission under the conditions prescribed in subsection 1 or 2 must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order *or written prescription* signed by the practitioner;

(c) By an order transmitted orally by an agent of the practitioner; or

(d) By transmission using a facsimile machine.

4. This section must not be construed to require a pharmacist to ~~verify~~

∴

(a) Verify that a prescription that is given by means other than electronic transmission meets the requirements of subsection 1 ~~1-1~~; or

(b) Require a practitioner to indicate in a prescription for a controlled substance given to a pharmacy by means other than electronic transmission under the conditions prescribed in subsection 1 or 2 the circumstances authorizing the alternative means of delivery.

5. If the Board determines that a person has violated any provision of this section or any regulations adopted pursuant thereto, the Board may:

(a) Issue and serve on the person an order to cease and desist the conduct, which must include, without limitation, the telephone number to contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

6. Violation of any provision of this section or any regulations adopted pursuant thereto is subject only to the administrative penalties described in subsection 5 and any professional discipline imposed by the Board.

Sec. 8. NRS 639.2353 is hereby amended to read as follows:

639.2353 Except as otherwise provided in section 7 of this act, a regulation adopted pursuant thereto or a regulation adopted pursuant to NRS 453.385 or 639.2357:

1. A prescription must be given:

(a) Directly from the practitioner to a pharmacist;

(b) Indirectly by means of an order *or written prescription* signed by the practitioner;

(c) By an oral order transmitted by an agent of the practitioner; or

(d) ~~Except as otherwise provided in subsection 5, by~~ **By** electronic transmission or transmission by a facsimile machine, including, without limitation, transmissions made from a facsimile machine to another facsimile machine, a computer equipped with a facsimile modem to a facsimile machine or a computer to another computer, pursuant to the regulations of the Board.

2. A written prescription must contain:

- (a) Except as otherwise provided in this section, the name and signature of the practitioner, the registration number issued to the practitioner by the Drug Enforcement Administration and the address of the practitioner if that address is not immediately available to the pharmacist;
- (b) The classification of his or her license;
- (c) The name and date of birth of the patient, and the address of the patient if not immediately available to the pharmacist;
- (d) The name, strength and quantity of the drug prescribed and the number of days that the drug is to be used, beginning on the day on which the prescription is filled;
- (e) The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352;
- (f) Directions for use, including, without limitation, the dose of the drug prescribed, the route of administration and the number of refills authorized, if applicable;
- (g) The code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the controlled substance was prescribed; and
- (h) The date of issue.

3. ~~2.7~~ The directions for use must be specific in that they indicate the portion of the body to which the medication is to be applied or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.

4. ~~3.7~~ Each written prescription must be written in such a manner that any registered pharmacist would be able to dispense it. A prescription must be written in Latin or English and may include any character, figure, cipher or abbreviation which is generally used by pharmacists and practitioners in the writing of prescriptions.

~~5.— A prescription for a controlled substance must not be given by electronic transmission or transmission by a facsimile machine unless authorized by federal law and NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.~~

~~6.~~ ~~4.7~~ 5. A prescription that is given by electronic transmission is not required to contain the signature of the practitioner if:

- (a) It contains a facsimile signature, security code or other mark that uniquely identifies the practitioner;
- (b) A voice recognition system, biometric identification technique or other security system approved by the Board is used to identify the practitioner; or
- (c) It complies with the provisions of NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

Sec. 9. NRS 639.2583 is hereby amended to read as follows:

639.2583 1. Except as otherwise provided in this section, if a practitioner has prescribed a:

(a) Drug by brand name and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another drug which is available to him or her if the other drug:

- (1) Is less expensive than the drug prescribed by brand name;
- (2) Is biologically equivalent to the drug prescribed by brand name;
- (3) Has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug prescribed by brand name; and
- (4) Is of the same generic type as the drug prescribed by brand name.

(b) Biological product and the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited, the pharmacist who fills or refills the prescription shall dispense, in substitution, another biological product which is available to him or her if the other biological product:

- (1) Is an interchangeable biological product for the biological product prescribed; and
- (2) Is less expensive than the biological product prescribed by brand name.

2. If the pharmacist has available to him or her more than one drug or interchangeable biological product that may be substituted for the drug prescribed by brand name or biological product prescribed, the pharmacist shall dispense, in substitution, the least expensive of the drugs or interchangeable biological products that are available to him or her for substitution.

3. Before a pharmacist dispenses a drug or biological product in substitution for a drug prescribed by brand name or biological product prescribed, the pharmacist shall:

- (a) Advise the person who presents the prescription that the pharmacist intends to dispense a drug or biological product in substitution; and
- (b) Advise the person that he or she may refuse to accept the drug or biological product that the pharmacist intends to dispense in substitution, unless the pharmacist is being paid for the drug by a governmental agency.

4. If a person refuses to accept the drug or biological product that the pharmacist intends to dispense in substitution, the pharmacist shall dispense the drug prescribed by brand name or biological product prescribed, unless the pharmacist is being paid for the drug or biological product by a governmental agency, in which case the pharmacist shall dispense the drug or biological product in substitution.

5. A pharmacist shall not dispense a drug or biological product in substitution for a drug prescribed by brand name or biological product prescribed if the practitioner has indicated that a substitution is prohibited using one or more of the following methods:

(a) By oral communication to the pharmacist at any time before the drug or biological product is dispensed.

(b) By handwriting the words “Dispense as Written” on the form used for the prescription, including, without limitation, any form used for transmitting the prescription from a facsimile machine to another facsimile machine. The pharmacist shall disregard the words “Dispense as Written” if they have been placed on the form used for the prescription by preprinting or other mechanical process or by any method other than handwriting.

(c) By including the words “Dispense as Written” in any prescription that is given to the pharmacist by electronic transmission pursuant to ***section 7 of this act and*** the regulations of the Board or in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto, including, without limitation, an electronic transmission from a computer equipped with a facsimile modem to a facsimile machine or from a computer to another computer pursuant to the regulations of the Board.

6. The provisions of this section also apply to a prescription issued to a person by a practitioner from outside this State if the practitioner has not indicated, by a method set forth in subsection 5, that a substitution is prohibited.

7. The provisions of this section do not apply to:

(a) A prescription drug or biological product that is dispensed to any inpatient of a hospital by an inpatient pharmacy which is associated with that hospital;

(b) A prescription drug that is dispensed to any person by mail order or other common carrier by an Internet pharmacy which is certified by the Board pursuant to NRS 639.23288 and authorized to provide service by mail order or other common carrier pursuant to the provisions of this chapter; or

(c) A prescription drug or biological product that is dispensed to any person by a pharmacist if the substitution:

(1) Would violate the terms of a health care plan that maintains a mandatory, exclusive or closed formulary for its coverage for prescription drugs and biological products; or

(2) Would otherwise make the transaction ineligible for reimbursement by a third party.

Sec. 9.5. NRS 639.310 is hereby amended to read as follows:

639.310 Except as otherwise provided in NRS 639.23916, ~~§~~ **and section 7 of this act,** unless a greater penalty is specified, any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Sec. 10. NRS 453.256 is hereby amended to read as follows:

453.256 1. ~~Except as otherwise provided in subsection 2, a substance included in schedule II must not be dispensed without the written prescription of a practitioner.~~

~~2. A controlled substance included in schedule II may be dispensed without the written prescription of a practitioner only:~~

~~—(a) In an emergency, as defined by regulation of the Board, upon oral prescription of a practitioner, reduced to writing promptly and in any case within 72 hours, signed by the practitioner and filed by the pharmacy.~~

~~—(b) Pursuant to an electronic prescription of a practitioner which complies with any regulations adopted by the Board concerning the use of electronic prescriptions.~~

~~—(c) Upon the use of a facsimile machine to transmit the prescription for a substance included in schedule II by a practitioner or a practitioner's agent to a pharmacy for:~~

~~—(1) Direct administration to a patient by parenteral solution; or~~

~~—(2) A resident of a facility for intermediate care or a facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department.~~

~~↪ A prescription transmitted by a facsimile machine pursuant to this paragraph must be printed on paper which is capable of being retained for at least 2 years. For the purposes of this section, an electronic prescription or a prescription transmitted by facsimile machine constitutes a written prescription. The pharmacy shall keep prescriptions in conformity with the requirements of NRS 453.246.} A prescription for a controlled substance must be given to a pharmacy in compliance with section 7 of this act. A prescription for a substance included in schedule II must not be refilled.~~

~~{3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201, must not be dispensed without a written or oral prescription of a practitioner. The} A prescription for a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201 must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.~~

~~{4.} 2. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.~~

~~{5.} 3. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.~~

~~{6.} 4. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.~~

~~{7.} 5. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.~~

~~{8.} 6. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

~~{9}~~ 7. As used in this section ~~†~~

~~(a) “Facsimile machine” means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.~~

~~(b) “Medical”, “medical treatment” includes dispensing or administering a narcotic drug for pain, whether or not intractable.~~

~~(c) “Parenteral solution” has the meaning ascribed to it in NRS 639.0105.~~

Sec. 11. NRS 453.385 is hereby amended to read as follows:

453.385 1. Each prescription for a controlled substance must comply with the regulations of the Board adopted pursuant to subsection 2.

2. The Board shall, by regulation, adopt requirements for:

(a) The form and content of a prescription for a controlled substance. The requirements may vary depending upon the schedule of the controlled substance.

(b) Transmitting a prescription for a controlled substance to a pharmacy. The requirements may vary depending upon the schedule of the controlled substance.

(c) The form and contents of an order for a controlled substance given for a patient in a medical facility and the requirements for keeping records of such orders.

3. Except as otherwise provided in this subsection, the regulations adopted pursuant to subsection 2 must:

(a) Ensure compliance with, but may be more stringent than required by, applicable federal law governing controlled substances and the rules, regulations and orders of any federal agency administering such law. The regulations adopted pursuant to paragraph (b) of subsection 2 for the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance must not be more stringent than federal law governing the electronic transmission or transmission by a facsimile machine of a prescription for a controlled substance or the rules, regulations or orders of any federal agency administering such law; and

(b) Be consistent with the provisions of NRS 439.581 to 439.595, inclusive, **and section 7 of this act** and the regulations adopted pursuant thereto.

Sec. 12. ~~[NRS 454.223 is hereby amended to read as follows:~~

~~454.223 1. [Except as otherwise provided in subsection 4, each] **Each** prescription for a dangerous drug must [be written on a prescription blank or as an order on the chart of a patient. A chart of a patient may be used to order multiple prescriptions for that patient.] **comply with section 7 of this act and the regulations adopted pursuant to subsection 4, if applicable.**~~

~~2. A written prescription must contain:~~

~~(a) The name of the practitioner, the signature of the practitioner if the prescription was not transmitted orally and the address of the practitioner if not immediately available to the pharmacist;~~

~~(b) The classification of his or her license;~~

~~—(c) The name of the patient, and the address of the patient if not immediately available to the pharmacist;~~

~~—(d) The name, strength and quantity of the drug or drugs prescribed;~~

~~—(e) The symptom or purpose for which the drug is prescribed, if included by the practitioner pursuant to NRS 639.2352;~~

~~—(f) Directions for use; and~~

~~—(g) The date of issue.~~

~~3. Directions for use must be specific in that they must indicate the portion of the body to which the medication is to be applied, or, if to be taken into the body by means other than orally, the orifice or canal of the body into which the medication is to be inserted or injected.~~

~~4. The Board shall adopt regulations concerning the electronic transmission of a prescription for a dangerous drug, which must be consistent with federal law and the provisions of NRS 439.581 to 439.595, inclusive, *and section 7 of this act* and the regulations adopted pursuant thereto. **(Deleted by amendment.)**~~

Sec. 13. This act becomes effective:

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

2. On January 1, ~~2020,~~ **2021**, for all other purposes.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 306.

SUMMARY — ~~[Revises provisions relating to records of criminal history.]~~

Requires the expungement of all records relating to the wrongful arrest of a person in certain circumstances. (BDR 14-831)

AN ACT relating to records of criminal history; **authorizing a person who was wrongfully arrested to submit an application to the court to expunge all records relating to the arrest;** requiring the court to order ~~for certain~~ **that such** records ~~of criminal history sealed;~~ revising various provisions relating to the filing of petitions for the sealing of records of criminal history; requiring a prosecutor to notify the court of charges declined for prosecution in certain circumstances; making it an unlawful employment practice for an employer to consider the criminal history of an applicant for employment under certain circumstances; establishing procedures for considering the criminal history of an applicant for employment; authorizing the filing of a complaint with the Nevada Equal Rights Commission under certain circumstances; repealing certain provisions relating to the filing of petitions for the sealing of records of

~~riminal history;}~~ **be expunged upon verification that the person was wrongfully arrested;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law authorizes certain persons who: (1) are discharged from probation; (2) are convicted of certain offenses, after waiting a specified number of years depending on the offense; (3) successfully complete certain reentry programs; or (4) are convicted of possession of a controlled substance not for purpose of sale, to petition the court for the sealing of certain records of criminal history. (NRS 176A.850, 179.245, 179.259, 453.3365) Sections 1, 5, 7, 8 and 13 of this bill remove the requirement for such a person to file a petition and instead provide that the records are sealed automatically.~~

~~Existing law provides that under certain circumstances and upon the filing of a petition for the sealing of records of criminal history, there is a rebuttable presumption that the records should be sealed if the applicant satisfies the statutory requirements. (NRS 179.2445) Section 22 of this bill repeals: (1) the rebuttable presumption in favor of sealing records of criminal history, as such records will be sealed automatically pursuant to sections 1, 5, 7, 8 and 13; and (2) certain other provisions relating to the sealing of such records.~~

~~Section 2 of this bill requires: (1) a prosecuting attorney having jurisdiction to notify the court that the charges are declined for prosecution if an indictment has not been found or an information or complaint filed within 90 days after an arrest for certain misdemeanor offenses; (2) a prosecuting attorney having jurisdiction to notify the court if the prosecuting attorney determines that the person arrested is not the perpetrator of the offense; and (3) the court to order the sealing of all records of criminal history upon receipt of such notice. Sections 3, 4 and 9-12 of this bill make conforming changes.~~

~~Existing law authorizes a person who was arrested for alleged criminal conduct but the charges were dismissed, the prosecuting attorney declined prosecution or the person was acquitted, or a person whose conviction was set aside, to petition the court in which the charges were dismissed, declined, the acquittal was entered or the conviction was set aside for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination, acquittal or the setting aside of the conviction. (NRS 179.255) Section 6 of this bill instead requires the prosecuting attorney to petition the court and requires the court to grant such a petition.~~

~~Existing law provides that, with certain exceptions, the criminal history of an applicant or other qualified person under consideration for employment with certain public employers may only be considered after the earlier of: (1) the final interview conducted in person; or (2) a conditional offer of employment. Existing law also sets forth specific factors that are required to be considered by certain public employers before the criminal history of an applicant may be used as the basis for rescinding a conditional offer of employment or rejection of the applicant. (NRS 245.046, 268.402, 269.0802, 284.281, 284.283) Existing law makes it an unlawful employment practice if certain public employers fail to follow such procedure and authorizes a person~~

injured by such a practice to file a complaint with the Nevada Equal Rights Commission. (NRS 613.330, 613.405) Sections 14 and 20 of this bill establish similar provisions governing the consideration of the criminal history of an applicant by a private employer. Sections 15, 19 and 21 of this bill make conforming changes.]

Section 2 of this bill authorizes a person who was wrongfully arrested to submit to a court an application to expunge all records relating to the arrest, including any photographs, fingerprints or biological evidence, and sets forth the information that such an application must contain. Section 2 provides that after a court receives such an application, the court is required to verify with the law enforcement agency that arrested the person or the prosecuting attorney that the person was wrongfully arrested and, upon receiving such verification, is required to issue an order to expunge all records relating to the arrest which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in this State. Section 2 also requires any such agency, company, official or custodian of records to whom an order to expunge records is directed to expunge all records relating to the arrest of the person not later than 30 days after the court issues the order. Section 2 additionally provides that a person who submits an application to expunge records must not be charged any fee to submit the application.

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

Section 1. ~~NRS 176A.850 is hereby amended to read as follows:~~

- ~~176A.850 1. A person who:~~
- ~~(a) Has fulfilled the conditions of probation for the entire period thereof;~~
 - ~~(b) Is recommended for earlier discharge by the Division; or~~
 - ~~(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,~~
- ~~may be granted an honorable discharge from probation by order of the court.~~
- ~~2. A person whose term of probation has expired and:~~
- ~~(a) Whose whereabouts are unknown;~~
 - ~~(b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or~~
 - ~~(c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1,~~
- ~~is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, except as otherwise provided in subsection 3.~~
- ~~3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.~~

~~4. Except as otherwise provided in subsection 5, a person who has been discharged from probation:~~

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

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

~~(c) Except as otherwise provided in paragraph (d), is immediately restored to the right to vote.~~

~~(d) Two years after the date of discharge from probation, is restored to the right to vote if the person has previously been convicted in this State:~~

~~(1) Of a category B felony involving the use of force or violence.~~

~~(2) Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of discharge from probation.~~

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

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

~~(g) If the person meets the requirements of NRS 179.245, [may apply to the court] *is automatically eligible* for the sealing of records relating to the conviction. ***The court shall order the sealing of such records.***~~

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

~~(i) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.~~

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

~~(k) Except as otherwise provided in paragraph (j), need not disclose the conviction to an employer or prospective employer.~~

~~5. Except as otherwise provided in this subsection, the civil rights set forth in subsection 4 are not restored to a person discharged from probation if the person has previously been convicted in this State:~~

~~(a) Of a category A felony.~~

~~(b) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation.~~

~~(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation.~~

~~(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~— A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 4.~~

~~— 6. The prior conviction of a person who has been discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.~~

~~— 7. Except for a person subject to the limitations set forth in subsection 5, upon discharge from probation, the person so discharged must be given an official document which provides:~~

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

~~— (b) That the person is restored to his or her civil rights to vote and to serve as a juror in a civil action as of the applicable dates set forth in paragraphs (b), (c) and (d) of subsection 4;~~

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

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

~~— 8. Subject to the limitations set forth in subsection 5, a person who has been discharged from probation in this State or elsewhere and whose official documentation of discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been discharged from probation and is eligible to be restored to the civil rights set forth in subsection 4, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.~~

~~— 9. A person who has been discharged from probation in this State or elsewhere may present:~~

~~— (a) Official documentation of discharge from probation, if it contains the provisions set forth in subsection 7; or~~

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

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

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection 2, unless an indictment has been found or an information or complaint has been filed, not later than 90 days after a person is arrested for an alleged misdemeanor, the prosecuting attorney having jurisdiction shall notify the court having jurisdiction that the charges are declined for prosecution.~~

~~— 2. This section does not apply to a misdemeanor constituting:~~

~~— (a) A violation of NRS 422.540 to 422.570, inclusive;~~

~~— (b) A violation of NRS 484C.110 or 484C.120;~~

~~(c) A battery which constitutes domestic violence pursuant to NRS 200.481;~~

~~(d) A battery pursuant to NRS 200.481;~~

~~(e) Harassment pursuant to NRS 200.571;~~

~~(f) Stalking pursuant to NRS 200.575; or~~

~~(g) A violation of a temporary or extended order for protection.~~

~~3. If a decision is made by the prosecuting attorney having jurisdiction that the person arrested for any offense is not the perpetrator of the alleged offense, the prosecuting attorney shall immediately notify the court.~~

~~4. Upon receipt of notice from the prosecuting attorney having jurisdiction pursuant to this section, the court shall order the sealing of all records of criminal history relating to the arrest.~~

~~5. If the prosecuting attorney having jurisdiction previously notified the court and the records of the arrest have been sealed pursuant to subsection 4, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations of those charges. If such charges are filed with the court, the court shall order the inspection of the records, without the prosecuting attorney having to petition the court pursuant to NRS 179.295.} If a court of competent jurisdiction, law enforcement agency or prosecuting attorney determines that a person was wrongfully arrested, the person may submit to the court a single-page application to expunge all records relating to the arrest, including, without limitation, any photographs, fingerprints or biological evidence, on a form provided by the court.~~

2. An application to expunge records submitted pursuant to subsection 1 must:

(a) Include a list of any public or private agency, company, official or other custodian of records that is reasonably known to the person to have possession of records of the arrest and to whom the order to expunge records, if issued, will be directed; and

(b) Include information that, to the best knowledge and belief of the person, accurately and completely identifies the records to be expunged, including, without limitation, the:

(1) Date of birth of the person; and

(2) Date of arrest to which the records to be expunged pertain.

3. Upon receiving an application pursuant to this section, the court shall verify with the law enforcement agency that arrested the person or the prosecuting attorney that the person was wrongfully arrested. Upon receiving such verification, the court shall issue an order to expunge all records relating to the arrest which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada.

4. Any agency of criminal justice, public or private agency, company, official or other custodian of records to whom an order to expunge records is directed pursuant to this section shall expunge all records relating to the

arrest of the person that are in the possession of the agency, company, official or other custodian of records not later than 30 days after the court issues the order.

5. A person who submits an application to expunge records pursuant to this section must not be charged any fee to submit the application.

6. As used in this section, ~~“record of criminal history”~~ “biological evidence” has the meaning ascribed to it in NRS ~~[179A.070.]~~ 176.0912.

Sec. 3. ~~NRS 179.2405 is hereby amended to read as follows:~~

~~179.2405 The Legislature hereby declares that the public policy of this State is to favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive [.] , and section 2 of this act. (Deleted by amendment.)~~

Sec. 4. ~~NRS 179.241 is hereby amended to read as follows:~~

~~179.241 As used in NRS 179.2405 to 179.301, inclusive, and section 2 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

Sec. 5. ~~NRS 179.245 is hereby amended to read as follows:~~

~~179.245 1. Except as otherwise provided in subsection [6] 2 and NRS 176A.265, 176A.295, 179.247, 179.259, 201.354, 453.3365 and 458.330, [a person may petition the court in which the person was convicted for the sealing of] all records relating to a conviction [of.] **must be sealed automatically for:**~~

~~(a) A category A felony, a crime of violence pursuant to NRS 200.408 or burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

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

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

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

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

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

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

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

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

~~—(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

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

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

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

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

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

~~—3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~—4. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.~~

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

~~—6.] A [person may] **court shall** not [petition the court to] seal records relating to a conviction of:~~

- ~~— (a) A crime against a child;~~
- ~~— (b) A sexual offense;~~
- ~~— (c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~
- ~~— (d) A violation of NRS 484C.430;~~
- ~~— (e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;~~
- ~~— (f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~
- ~~— (g) A violation of NRS 488.420 or 488.425.~~
- ~~[7. If the court grants a petition for]~~
- ~~3. Upon the sealing of records pursuant to this section [;] and upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~
- ~~[8.] 4. As used in this section:~~
 - ~~— (a) “Crime against a child” has the meaning ascribed to it in NRS 179D.0357.~~
 - ~~— (b) “Sexual offense” means:~~
 - ~~— (1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~
 - ~~— (2) Sexual assault pursuant to NRS 200.366.~~
 - ~~— (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.~~
 - ~~— (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.~~
 - ~~— (5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.~~
 - ~~— (6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.~~
 - ~~— (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~
 - ~~— (8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~
 - ~~— (9) Incest pursuant to NRS 201.180.~~
 - ~~— (10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.~~
 - ~~— (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.~~

- ~~— (12) Lewdness with a child pursuant to NRS 201.230.~~
- ~~— (13) Sexual penetration of a dead human body pursuant to NRS 201.450.~~
- ~~— (14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~
- ~~— (15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~
- ~~— (16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~
- ~~— (17) An attempt to commit an offense listed in this paragraph.~~ **(Deleted by amendment.)**

Sec. 6. ~~NRS 179.255~~ is hereby amended to read as follows:

~~179.255~~ 1. ~~[If] *Except as otherwise provided in section 2 of this act, if* a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the [person may] *prosecuting attorney shall* petition:~~

~~— (a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;~~

~~— (b) The court having jurisdiction in which the charges were declined for prosecution:~~

~~— (1) Any time after the applicable statute of limitations has run;~~

~~— (2) Any time 8 years after the arrest; or~~

~~— (3) Pursuant to a stipulation between the parties; or~~

~~— (c) The court in which the acquittal was entered, at any time after the date of the acquittal;~~

~~— for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal;~~

~~2. If the conviction of a person is set aside pursuant to NRS 458A.240, [the person may petition] the court that set aside the conviction [, at any time after the conviction has been set aside, for the sealing of] *shall seal* all records relating to the setting aside of the conviction.~~

~~3. A petition filed pursuant to subsection 1 [or 2] must:~~

~~— (a) Be accompanied by the [petitioner's] current, verified records *of the person whose records are sought to be sealed which must be* received from the Central Repository for Nevada Records of Criminal History;~~

~~— (b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;~~

~~— (c) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

~~— (d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the [petitioner] *prosecuting attorney* to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and~~

~~— (e) Include information that, to the best knowledge and belief of the [petitioner,] *prosecuting attorney*, accurately and completely identifies the records to be sealed, including, without limitation, the:~~

~~— (1) Date of birth of the [petitioner,] *person whose records are sought to be sealed*;~~

~~— (2) Specific charges that were dismissed or of which the [petitioner] *person whose records are sought to be sealed* was acquitted; and~~

~~— (3) Date of arrest relating to the specific charges that were dismissed or of which the [petitioner] *person whose records are sought to be sealed* was acquitted.~~

~~— 4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the [petitioner] *person whose records are sought to be sealed* for the crime and:~~

~~— (a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or~~

~~— (b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.~~

~~→ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~— 5. Upon [receiving a petition] *sealing records* pursuant to subsection 2, the court shall notify:~~

~~— (a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or~~

~~— (b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.~~

~~†→ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.~~

~~— 6. If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.~~

~~— 7.] 6. If the court finds that there has been an acquittal, that the prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal, declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.~~

~~— [8.] 7. If the court [finds that the] *sets aside a conviction* [of the petitioner was set aside] pursuant to NRS 458A.240, the court [may] *shall* order sealed all records relating to the setting aside of the conviction which are in the~~

custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

~~[9.] 8. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection [7.] 6, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.] (Deleted by amendment.)~~

Sec. 7. ~~NRS 179.259 is hereby amended to read as follows:~~

~~179.259 1. Except as otherwise provided in subsections 3, 4 and 5, 4 years after an eligible person completes a program for reentry, the court [may] shall order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court [may] shall order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~

~~4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~

~~5. A [person may not petition the] court [to] shall not seal records relating to a conviction of a crime against a child or a sexual offense.~~

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

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

~~(b) "Eligible person" means a person who has:~~

~~(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and~~

~~(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.~~

~~(c) "Program for reentry" means:~~

~~— (1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or~~

~~— (2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.~~

~~— (d) “Sexual offense” has the meaning ascribed to it in paragraph (b) of subsection [8] 4 of NRS 179.245. **(Deleted by amendment.)**~~

~~Sec. 8. [NRS 179.2595 is hereby amended to read as follows:~~

~~179.2595 1. Notwithstanding the procedure established in NRS 179.245, 179.255 or 179.259 or section 2 of this act for the [filing of a petition for the] sealing of records [:~~

~~1. If a person wishes to have more than one record], *if the records of a person have not otherwise been* sealed and [would otherwise need to file a petition] *such records may be* in more than one court, [for the sealing of the records,] the person may [, instead of filing a petition in each court,] file a petition in district court for the sealing of all such records.~~

~~2. If a person files a petition for the sealing of records in district court pursuant to subsection 1, [or NRS 179.245, 179.255 or 179.259,] the district court [may] *shall* order the sealing of any other records in the justice or municipal courts in accordance with the provisions of NRS 179.2405 to 179.301, inclusive [;], *and section 2 of this act.* **(Deleted by amendment.)**~~

~~Sec. 9. [NRS 179.275 is hereby amended to read as follows:~~

~~179.275 Where the court orders the sealing of a record pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330, *or section 2 of this act,* a copy of the order must be sent to:~~

~~1. The Central Repository for Nevada Records of Criminal History; and~~

~~2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order. **(Deleted by amendment.)**~~

~~Sec. 10. [NRS 179.285 is hereby amended to read as follows:~~

~~179.285 Except as otherwise provided in NRS 179.301:~~

~~1. If the court orders a record sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 [;] *or section 2 of this act:*~~

~~(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.~~

~~(b) The person is immediately restored to the following civil rights if the person’s civil rights previously have not been restored:~~

- ~~— (1) The right to vote;~~
- ~~— (2) The right to hold office; and~~
- ~~— (3) The right to serve on a jury.~~
- ~~— 2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

 - ~~— (a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and~~
 - ~~— (b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.~~~~
- ~~— 3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.~~
- ~~— 4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror. (Deleted by amendment.)~~

Sec. 11. ~~[NRS 179.295 is hereby amended to read as follows:~~

- ~~— 179.295 — 1. The person who is the subject of the records that are sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 or **section 2 of this act** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection [9] 8 of NRS 179.255 and NRS 179.259 and 179.301 [.] **and section 2 of this act**, the court may not order the inspection of the records under any other circumstances.~~
- ~~— 2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.~~
- ~~— 3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.~~
- ~~— 4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 174.034, 176A.265,~~

~~176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or 458.330 or section 2 of this act in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595, 453.3365 or 458.330 or section 2 of this act for a conviction of another offense. (Deleted by amendment.)~~

~~Sec. 12. [NRS 179.301 is hereby amended to read as follows:~~

~~179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 [.] or section 2 of this act, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:~~

~~—(a) May form the basis for recommendation, denial or revocation of those licenses.~~

~~—(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.~~

~~2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, or section 2 of this act, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.~~

~~3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 or section 2 of this act if:~~

~~—(a) The records relate to a violation or alleged violation of NRS 202.485; and~~

~~—(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.575.~~

~~4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 or section 2 of this act that constitute information relating to sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.~~

~~5. Records which have been sealed pursuant to NRS 179.245 or 179.255 or section 2 of this act and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.~~

~~6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 or section 2 of this act if the person who is the subject of the records has applied for a pardon from the Board.~~

~~7. As used in this section:~~

~~(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.~~

~~(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.]~~

(Deleted by amendment.)

Sec. 13. [NRS 453.3365 is hereby amended to read as follows:

~~453.3365 1. Three years after a person is convicted and sentenced pursuant to subsection 3 of NRS 453.336, the court [may] shall order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order, if the:~~

~~(a) Person fulfills the terms and conditions imposed by the court and the parole and probation officer; and~~

~~(b) Court, after a hearing, is satisfied that the person is rehabilitated.~~

~~2. Except as limited by subsection 4, after an accused is discharged from probation pursuant to NRS 453.3363, the court shall order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the person fulfills the terms and conditions imposed by the court and the Division of Parole and Probation of the Department of Public Safety. The court shall order those records sealed without a hearing unless the Division of Parole and Probation petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~3. If the court orders sealed the record of a person discharged pursuant to NRS 453.3363, it shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~4. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.] **(Deleted by amendment.)**~~

Sec. 14. [Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. It is an unlawful employment practice for an employer to consider the criminal history of an applicant or other qualified person without following the procedure required pursuant to this section.~~

~~2. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, the criminal history of an applicant may be considered only after the earlier of:~~

~~—(a) The final interview conducted in person; or~~
~~—(b) The employer has extended to the applicant a conditional offer of employment.~~

~~—3. An employer may, before examining an applicant or extending to an applicant a conditional offer of employment, notify the applicant of any provision of state or federal law that disqualifies a person with a particular criminal history from employment in a particular position.~~

~~—4. Unless, pursuant to a specific provision of state or federal law, a person is disqualified from employment in a particular position because of the particular criminal history of the person, an employer may rescind a conditional offer of employment extended to an otherwise qualified person who has criminal charges pending against him or her that were filed within the previous 6 months or has been convicted of a criminal offense only after considering:~~

~~—(a) Whether any criminal offense charged against the person or committed by the person directly relates to the responsibilities of the position for which the person has applied or is being considered;~~

~~—(b) The nature and severity of each criminal offense charged against the person or committed by the person;~~

~~—(c) The age of the person at the time of the commission of each criminal offense;~~

~~—(d) The period between the commission of each criminal offense and the date of the application for employment; and~~

~~—(e) Any information or documentation demonstrating the rehabilitation of the person.~~

~~—5. An employer shall not consider any of the following criminal records in connection with an application for employment:~~

~~—(a) Except as otherwise provided in subsection 4, an arrest of the applicant which did not result in a conviction;~~

~~—(b) A record of a conviction which was dismissed, expunged or sealed; or~~

~~—(c) An infraction or misdemeanor for which a sentence of imprisonment in a county jail was not imposed.~~

~~—6. If the criminal history of an applicant is used as a basis for rescinding a conditional offer of employment, rescission of the conditional offer of employment must:~~

~~—(a) Be made in writing;~~

~~—(b) Include a statement indicating that the criminal history of the applicant was the basis for rescission of the offer; and~~

~~—(c) Provide an opportunity for the applicant to discuss the basis for the rescission of the offer with the employer's officer who is responsible for human resources or his or her designee.~~

~~—7. An application for employment must include a statement that:~~

~~—(a) A record of conviction will not necessarily bar the applicant from employment; and~~

~~—(b) The employer will consider factors such as:~~

- ~~(1) The length of time that has passed since the offense;~~
~~(2) The age of the applicant at the time of the offense;~~
~~(3) The severity and nature of the offense;~~
~~(4) The relationship of the offense to the position for which the applicant has applied; and~~
~~(5) Evidence of the rehabilitation of the applicant.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 613.310 is hereby amended to read as follows:~~

~~613.310 As used in NRS 613.310 to 613.4383, inclusive, and section 14 of this act, unless the context otherwise requires:~~

- ~~1. “Disability” means, with respect to a person:~~
- ~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;~~
 - ~~(b) A record of such an impairment; or~~
 - ~~(c) Being regarded as having such an impairment.~~
- ~~2. “Employer” means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:~~
- ~~(a) The United States or any corporation wholly owned by the United States;~~
 - ~~(b) Any Indian tribe;~~
 - ~~(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c);~~
- ~~3. “Employment agency” means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.~~
- ~~4. “Gender identity or expression” means a gender related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.~~
- ~~5. “Labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.~~
- ~~6. “Person” includes the State of Nevada and any of its political subdivisions.~~
- ~~7. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 613.320 is hereby amended to read as follows:~~

~~613.320 1. The provisions of NRS 613.310 to 613.4383, inclusive, and section 14 of this act do not apply to:~~

- ~~(a) Any employer with respect to employment outside this state.~~

~~(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.~~

~~2. The provisions of NRS 613.310 to 613.4383, inclusive, and section 14 of this act concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3). (Deleted by amendment.)~~

~~Sec. 17. [NRS 613.340 is hereby amended to read as follows:~~

~~613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.4383, inclusive, and section 14 of this act or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.4383, inclusive [.] , and section 14 of this act.~~

~~2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment. (Deleted by amendment.)~~

~~Sec. 18. [NRS 613.350 is hereby amended to read as follows:~~

~~613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide~~

occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

~~—2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.~~

~~—3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.~~

~~—4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.~~

~~—5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.4383, inclusive, **and section 14 of this act** as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.~~

~~—6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression. **(Deleted by amendment.)**~~

Sec. 19. ~~[NRS 613.390 is hereby amended to read as follows:~~

~~—613.390 Nothing contained in NRS 613.310 to 613.4383, inclusive, **and section 14 of this act** applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of~~

~~such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.]~~
(Deleted by amendment.)

Sec. 20. ~~[NRS 613.405 is hereby amended to read as follows:
 —613.405— 1. Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.4383, inclusive, **and section 14 of this act** may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.
 —2.— Any person injured by an unlawful employment practice within the scope of subsection 8 of NRS 613.330 may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.
 —3.— *Any person injured by an unlawful employment practice within the scope of section 14 of this act may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on an employer's failure to comply with the provisions of section 14 of this act.*
 —4.— Any person injured by an unlawful employment practice within the scope of NRS 613.4353 to 613.4383, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on an employer's failure to comply with the provisions of NRS 613.4353 to 613.4383, inclusive.]~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 613.420 is hereby amended to read as follows:
 —613.420— If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.4383, inclusive, **and section 14 of this act** has occurred, any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 179.2445 and 179.265 are hereby repealed.]~~ **(Deleted by amendment.)**

†

TEXT OF REPEALED SECTIONS

~~—179.2445— Rebuttable presumption that records should be sealed; exception.~~

~~—1.— Except as otherwise provided in subsection 2, upon the filing of a petition for the sealing of records pursuant to NRS 179.245, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.~~

~~—2.— The presumption set forth in subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS~~

~~176A.850 and applies to the court for the sealing of records relating to the conviction.~~

~~179.265 Rehearings after denial of petition. Time for, number.~~

~~1. A person whose petition is denied under NRS 179.245 or 179.255 may petition for a rehearing not sooner than 2 years after the denial of the previous petition.~~

~~2. No person may petition for more than two rehearings.~~

Assemblyman Yeager moved adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time.

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

Amendment No. 353.

AN ACT relating to public safety; enacting the Nevada 24/7 Sobriety and Drug Monitoring Program Act; establishing a **voluntary** statewide sobriety and drug monitoring program; requiring ~~the Department of Public Safety~~ **any political subdivision that elects to participate in the program** to adopt ~~regulations~~ **guidelines relating to implementation** the program; requiring such ~~regulations~~ **guidelines** to establish certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Nevada 24/7 Sobriety and Drug Monitoring Program Act. **Section 14** of this bill establishes a statewide sobriety and drug monitoring program ~~within the Department of Public Safety that is administered by the Director of the Department and~~ in which any ~~county~~ **political subdivision** in this State may elect to participate. **Section 15** of this bill provides that if a ~~county~~ **political subdivision** elects to participate in the program, the Department of **Public Safety** is ~~required~~ **authorized** to assist the ~~county~~ **political subdivision** in the establishment and administration of the program ~~in the county~~ and the ~~board of county commissioners~~ **political subdivision** is required to designate a law enforcement agency ~~in the county~~ to enforce the program.

Section 16 of this bill authorizes a court ~~in a county that elects to participate in the program~~ to assign an offender who is found guilty of driving under the influence of alcohol or a prohibited substance for the second or third time within 7 years to the program for a specified period determined by the court. ~~Section 22 of this bill provides that if a person is arrested for such a repeat offense and the person will be released on bail, the court is authorized to assign the person to the program if the county in which the person resides or is required to remain participates in the program. Section 23 of this bill provides that if a person who was convicted of such a repeat offense will be released on~~

~~parole in a county that participates in the program, the State Board of Parole Commissioners is authorized to assign the parolee to the program as a condition of parole.]~~

Section 17 of this bill provides that any person who is assigned to the program: (1) must abstain from alcohol and prohibited substances while assigned to the program; (2) generally must undergo testing to determine the presence of alcohol in the person's system not less than two times each day; (3) must undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system; (4) must be subject to sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing; and (5) if the person's driver's license is suspended or revoked, is eligible for a restricted driver's license for the purpose of driving to and from a testing location, ~~for~~ work, court appearances or counseling or to receive regularly scheduled medical care. **Section 16 authorizes the Department of Motor Vehicles to adopt any regulations necessary to provide for the issuance of such a restricted driver's license to a person assigned to the program.**

Section 18 of this bill requires ~~(the Department)~~ **each political subdivision that elects to participate in the program** to adopt ~~(regulations)~~ **guidelines relating to (implement)** the program, including ~~(regulations)~~ **guidelines** that: (1) provide for the nature and manner of testing and the testing procedures and devices to be used; (2) establish certain fees; and (3) provide for the establishment and use of a local program ~~(accounts)~~ **account** for the deposit of any fees collected. Section 19 of this bill requires ~~(a)~~ **the** law enforcement agency that enforces the program ~~(in a county)~~ **for the political subdivision** to collect any fees required by such ~~(regulations)~~ **guidelines** and deposit the fees into the applicable local program account. Section 19 also establishes provisions relating to the distribution and use of such fees.

WHEREAS, A RAND Corporation study published in the *American Journal of Public Health* in January 2013 concluded that the frequent alcohol testing required by 24/7 sobriety and drug monitoring programs, combined with swift, certain and modest sanctions for violations, can reduce problem drinking and improve public health outcomes; and

WHEREAS, The RAND Corporation analysis provides strong evidence that 24/7 sobriety and drug monitoring programs, when applied to offenders who repeatedly drive under the influence of intoxicating liquor or a prohibited substance, are successful in reducing arrests for such a crime; and

WHEREAS, As a result of the success of 24/7 sobriety and drug monitoring programs, such a program is an authorized program for which impaired driving countermeasure incentive grant funding is available under federal law; now, therefore,

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

Section 1. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

↪ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who is required to install a device in a motor vehicle pursuant to NRS 484C.210 or 484C.460:

(a) Shall install the device not later than 14 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

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

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; or

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 or following an order of revocation issued pursuant to NRS 484C.220, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. ***If the driver's license of a person assigned to a program established pursuant to section 14 of this act is suspended or revoked, the Department may, after verifying the proof of compliance submitted pursuant to subsection 3, if applicable, issue a restricted driver's license to such an applicant that is valid while he or she is a participant in the program and that permits the applicant to drive a motor vehicle:***

(a) To and from a testing location established by a law enforcement agency pursuant to section 15 of this act;

(b) If applicable, to and from work or in the course of his or her work, or both; ~~or~~

(c) To and from court appearances;

(d) To and from counseling; or

(e) To receive regularly scheduled medical care for himself or herself.

5. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

~~5.~~ 6. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

~~6.~~ 7. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or 4 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

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

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↳ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

~~7.~~ 8. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

~~8.~~ 9. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 2. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 19, inclusive, of this act.

Sec. 3. *Sections 3 to 19, inclusive, of this act may be cited as the Nevada 24/7 Sobriety and Drug Monitoring Program Act.*

Sec. 4. 1. *The Legislature hereby declares that driving in this State is a privilege, not a right, and a driver who wishes to enjoy the benefits of such a privilege must accept the corresponding responsibilities.*

2. *The Legislature further declares that the purpose of sections 3 to 19, inclusive, of this act is to:*

(a) *Protect the public health and welfare by reducing the number of people on the highways of this State who drive under the influence of intoxicating liquor or a prohibited substance; and*

(b) *Strengthen the options available to courts and prosecuting attorneys in responding to offenders who repeatedly drive under the influence of intoxicating liquor or a prohibited substance.*

Sec. 5. *As used in sections 3 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *“Core components” means the elements of the program that analysis demonstrates are most likely to account for positive outcomes.*

Sec. 7. ~~*“Department” means the Department of Public Safety.*~~
(Deleted by amendment.)

Sec. 8. *“Designated law enforcement agency” means a law enforcement agency designated ~~by a board of county commissioners~~ to enforce the program ~~in a county~~ pursuant to section 15 of this act.*

Sec. 9. *“Immediate sanction” means a sanction that is able to be applied within minutes after the results of testing indicate the presence of alcohol or a prohibited substance in a program participant’s system.*

Sec. 9.5. *“Political subdivision” includes, without limitation, any county, city, other local government, court or entity that administers alternative sentencing.*

Sec. 10. *“Program” means the statewide sobriety and drug monitoring program established pursuant to section 14 of this act.*

Sec. 11. *“Program participant” means a person who is assigned by a court to the program, ~~pursuant to NRS 178.484 or 213.12175 or section 16 of this act.~~*

Sec. 12. *“Testing” means any procedure approved by the ~~Department in accordance with the regulations adopted pursuant to section 18 of this act~~ Committee on Testing for Intoxication for determining the concentration of alcohol or the amount of a prohibited substance in a ~~program participant’s~~ person’s system ~~that is provided for in the applicable guidelines adopted pursuant to section 18 of this act.~~*

Sec. 13. *“Timely sanction” means a sanction that is able to be applied as soon as possible, but not later than 14 days, after the results of testing*

indicate the presence of alcohol or a prohibited substance in a program participant's system.

Sec. 14. 1. ~~There is hereby established a statewide sobriety and drug monitoring program [within the Department, to be administered by the Director of the Department,] in which any [county] political subdivision in this State may elect to participate.~~

2. ~~The core components of the program must include the use of a primary testing methodology that tests for the presence of alcohol or a prohibited substance in a program participant's system, best facilitates the ability to apply immediate sanctions for noncompliance and is available at an affordable cost. In cases of economic hardship or when a program participant is rewarded with less stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized.~~

3. ~~The program must be evidence-based and satisfy at least two of the following requirements:~~

(a) ~~The program is included in the National Registry of Evidence-based Programs and Practices;~~

(b) ~~The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or~~

(c) ~~The program has been documented as effective by informed experts and other sources.~~

4. ~~[Any efforts by the Department to alter or modify the] The core components of the program [must include a documented strategy for achieving and measuring the effectiveness of the planned modifications. Before core components may be modified, the Department must initiate a pilot program with defined objectives and timelines in which measurements of the effectiveness and impact of any proposed modifications to the core components are monitored. The Department must assess the data and determine whether the stated goals were achieved and whether the proposed modifications should be formally implemented in the program.] that generally require testing to determine the presence of alcohol in a person's system not less than two times each day and random testing to determine the presence of a prohibited substance in a person's system not less than two times each week must not be altered or modified.~~

Sec. 15. ~~[1.] If [the board of county commissioners of] a [county] adopts a resolution electing] political subdivision elects to participate in the program:~~

~~[(a)] 1. The Department [shall] of Public Safety may assist the [county] political subdivision in the establishment and administration of the program [in the county] in the manner provided in sections 3 to 19, inclusive, of this act and in determining alternatives to incarceration.~~

~~[(b)] 2. The [board of county commissioners] political subdivision shall designate a law enforcement agency [in the county] to enforce the program.~~

~~[2.] 3. A designated law enforcement agency:~~

(a) *May designate an entity to provide testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to sections 3 to 19, inclusive, of this act, but such a designated entity may not determine whether to participate in the program.*

(b) *Shall establish one or more testing locations ~~[within the county]~~ that provide at least two available testing times each day. If only two testing times are made available, the testing times must be approximately 12 hours apart.*

Sec. 16. 1. A court ~~[in a county that elects to participate in the program established pursuant to section 14 of this act]~~ may assign an offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) or (c) of subsection 1 of NRS 484C.400 to the program established pursuant to section 14 of this act for a specified period determined by the court.

2. *If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400, the court:*

(a) *Shall immediately sentence the offender and enter judgment accordingly.*

(b) *Shall suspend the sentence of the offender upon the condition that the offender participate in the program for a specified period determined by the court.*

(c) *Shall advise the offender that:*

(1) *If the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program, the court may require the offender to serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before participating in the program.*

(2) *If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 of NRS 484C.330 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.*

(3) *The offender is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490.*

(d) *Shall not defer the sentence, set aside the conviction or impose conditions upon participation in the program except as otherwise provided in this section.*

(e) *May immediately revoke the suspension of sentence for a violation of a condition of the suspension.*

3. *If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, the court:*

(a) *Shall immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation.*

(b) *Shall order the offender to participate in the program.*

(c) *Shall advise the offender that:*

(1) *The court may enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before participating in the program.*

(2) *If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.*

(3) *The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply and the offender is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490.*

(d) *Shall not defer the sentence or set aside the conviction upon participation in the program, except as otherwise provided in this section.*

(e) *May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.*

4. *If a court assigns a person to the program pursuant to this section, the court shall notify the Department of Motor Vehicles that as a participant in the program, the person is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490. If the person fails to comply with the requirements of the program, the court may notify the Department of Motor Vehicles of the person's noncompliance and direct the Department of Motor Vehicles to revoke the restricted license.*

5. *The Department of Motor Vehicles may adopt any regulations necessary to provide for the issuance of a restricted driver's license to a person assigned to the program.*

Sec. 17. *Any person who is assigned to the program:*

1. ~~*Must*~~ *Shall* *abstain from alcohol and prohibited substances while assigned to the program.*

2. ~~*Must*~~ *Shall* *undergo testing to determine the presence of alcohol in the person's system:*

(a) *Except as otherwise provided in paragraph (b), not less than two times each day at a testing location established by a designated law enforcement agency pursuant to section 15 of this act so that immediate sanctions can be applied;*

(b) *If being tested two or more times each day is not practical, by ~~continuous or transdermal alcohol monitoring using an electronic~~*

~~monitoring device so~~ an alternate method consistent with section 14 of this act that allows timely sanctions ~~fees~~ to be applied; or

(c) By ~~an~~ any other alternate method ~~approved by the Department and~~ consistent with section 14 of this act.

3. ~~Must~~ Shall undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system.

4. Must be subject to immediate, lawful and consistent sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing ~~if~~, including, without limitation, immediate incarceration.

5. Is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490 if the driver's license of the person is suspended or revoked.

Sec. 18. ~~The Department~~ Each political subdivision that elects to participate in the program established pursuant to section 14 of this act shall adopt ~~regulations to implement the provisions of~~ guidelines consistent with sections 3 to 19, inclusive, of this act. Such ~~regulations~~ guidelines must:

1. Provide for the nature and manner of testing and the testing procedures and devices to be used.

2. Establish the requirements for compliance with the program, including, without limitation, the immediate sanctions and timely sanctions that may be imposed against a program participant.

3. Establish reasonable participant and testing fees for the program, including, without limitation, fees to pay the cost of installation, monitoring and deactivation of any testing device, and provide for the establishment and use of a local program ~~accounts~~ account for the deposit of any fees collected. The established fees must be as low as possible, but the total amount of the fees and other funds credited to the local program ~~accounts~~ account must defray the entire expense of the program ~~, including, without limitation, all costs to the State,~~ to ensure program sustainability.

4. Provide ~~the Department the authority to apply for any available public or private~~ that a political subdivision may accept gifts, grants, donations and any other form of financial assistance from any source for the purpose of enabling the political subdivision to ~~support any~~ participate in the program ~~activities~~ and carry out the provisions of sections 3 to 19, inclusive, of this act.

5. Establish a process for the determination and management of program participants who are indigent.

6. Require and provide for the approval of a program data management technology plan ~~that the Department and participating counties must use~~ to be used to manage testing, data access, fees, fee payments and any required reports.

7. Require a program participant to sign an agreement:

(a) Acknowledging his or her understanding of the program rules and expectations, including without limitation, the prohibition against using

alcohol or a prohibited substance while assigned to the program, and the sanctions that may be imposed;

(b) Agreeing to abide by the program rules and expectations; and

(c) Authorizing his or her records relating to participation in the program to be used for assessment purposes.

8. Require that program participants who meet certain standards of compliance be given positive feedback and rewarded when appropriate. Such a reward may include, without limitation, undergoing less frequent testing.

Sec. 19. 1. A designated law enforcement agency shall collect any fees required by ~~the regulations~~ any guidelines adopted pursuant to section 18 of this act and deposit such fees into the applicable local program account established by a political subdivision pursuant to such ~~regulations~~ guidelines.

2. In accordance with the provisions of sections 3 to 19, inclusive, of this act and the ~~regulations~~ guidelines adopted pursuant to section 18 of this act, all fees deposited into a local program account must be ~~distributed to~~ used by the applicable ~~county for use by the~~ designated law enforcement agency or, in accordance with the terms determined by the designated law enforcement agency, any entity designated by the law enforcement agency pursuant to section 15 of this act.

3. Each designated law enforcement agency shall distribute a portion of the fees to any entity designated by the law enforcement agency pursuant to section 15 of this act in accordance with any agreement entered into with such a designated entity. The remainder of the fees is for the use of the law enforcement agency and may be used only for the purpose of administering and operating the program.

Sec. 20. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than \$400 nor more than \$1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330 ~~††~~ **or the person is assigned to a program pursuant to section 16 of this act**, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than \$750 nor more than \$1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

↪ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340 ~~††~~ **and unless the person is assigned to a program pursuant to section 16 of this act**, for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

↪ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

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

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 21. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5 ~~and~~ **unless the person is assigned to a program pursuant to section 16 of this act**, a court shall order a person convicted of:

(a) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, to install, at his or her own expense and for a period of not less than 185 days, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) A violation of:

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) NRS 484C.130 or 484C.430,

↪ to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, in the interests of justice, provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship;

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment; or

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family;

(c) The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person; or

(d) The person resides more than 100 miles from a manufacturer of a device or its agent.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section or NRS 483.490 shall have the device inspected, calibrated, monitored and maintained by the manufacturer of the device or its agent at least one time each 90 days during the period in which the person is required to use the device to determine whether the device is operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether

the device has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device. Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

↪ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 22. ~~NRS 178.484 is hereby amended to read as follows:~~

~~178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail;~~

~~(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~

~~(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail; or~~

~~(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~

~~7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~(b) Five thousand dollars, if the person has:~~

~~(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(c) Fifteen thousand dollars, if the person has:~~

~~(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~➤ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been~~

~~contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—8— A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

~~—(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~—(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~—(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~—(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~—(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~—9— If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~—(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~—(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or~~

~~extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~
~~or~~

~~—(e) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~—* The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~—11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~—(a) Requiring the person to remain in this State or a certain county within this State;~~

~~—(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~—(c) Prohibiting the person from entering a certain geographic area; [or]~~

~~—(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person [.] ; or~~

~~—(c) If the person was arrested for a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) or (c) of subsection 1 of NRS 484C.400, and the county in which the person resides or is required to remain participates in a program established pursuant to section 14 of this act, assign the person to such a program.~~

~~→ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~—12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~—(a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~—(b) Increase the amount of bail pursuant to NRS 178.499.~~

~~—13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~—14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~—(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~—(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~—(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~→ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~—15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~—16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~—17. As used in this section, “strangulation” has the meaning ascribed to it in NRS 200.481.] (Deleted by amendment.)~~

Sec. 23. [NRS 213.12175 is hereby amended to read as follows:

~~—213.12175 The Board may, as a condition of releasing a prisoner on parole, impose any reasonable conditions on the parolee to protect the health, safety and welfare of the community, including, without limitation:~~

~~—1. Requiring the parolee to remain in this state or a certain county within this state;~~

~~2. Prohibiting the parolee from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the parolee's behalf;~~

~~3. Prohibiting the parolee from entering a certain geographic area; [and]~~

~~4. Prohibiting the parolee from engaging in specific conduct that may be harmful to his or her own health, safety or welfare, or the health, safety or welfare of another person [-]; and~~

~~5. If the parolee was convicted of a violation of NRS 484C.110 or 484C.120 that was punishable pursuant to paragraph (b) or (c) of subsection 1 of NRS 484C.400, and the county in which the parolee will be released on parole participates in a program established pursuant to section 14 of this act, assign the parolee to such a program.] (Deleted by amendment.)~~

Sec. 24. This act becomes effective ~~on July 1, 2019,~~ upon passage and approval.

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. 317.

Bill read second time.

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

Amendment No. 418.

AN ACT relating to health care; ~~authorizing the State Board of Health to require the licensing of certain facilities; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to consider certain factors before issuing a new license; requiring certain facilities to obtain approval before offering new medical services; prohibiting a hospital from operating facilities located a certain distance from the hospital;]~~ **requiring an off-campus location of a hospital to obtain a distinct national provider identifier;** revising provisions governing approval to operate a center for the treatment of trauma ; ~~and the operation of such a center;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the State Board of Health to adopt regulations requiring the licensing of facilities that provide medical care or treatment but are not required by law to be licensed. (NRS 449.0303) Section 1 of this bill additionally authorizes the Board to require the licensing of any facility that performs any procedure that involved breaking the skin of a person. Section 6 of this bill makes a conforming change.~~

~~Existing law requires a facility that is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services to receive approval to amend the license before providing certain services at the facility. Such approval must be based on a determination by the Division that there is~~

~~an adequate need in the community for the services in the community in which the facility is located. (NRS 449.087) Sections 2-4 of this bill require: (1) the Division to make a similar determination before issuing a new license; and (2) a facility to receive such approval any time the facility offers a new medical service. Section 5 of this bill prohibits a hospital from operating a facility that provides emergency medical services which is located further than 30 miles from the hospital.]~~

Existing federal regulations require each provider of health care, including a hospital, to obtain a national provider identifier from the National Provider System. (45 C.F.R. § 162.410) Section 1.2 of this bill requires each off-campus location of a hospital to obtain a national provider identifier that is distinct from the national provider identifier used by the main location and any other off-campus locations of the hospital. Sections 1.4-6.5 and 8.5 of this bill make conforming changes.

Existing law requires ~~[(1)]~~ a person to obtain the approval of the Administrator of the Division **of Public and Behavioral Health of the Department of Health and Human Services and, if the hospital is located in a county whose population is 700,000 or more, the district board of health,** before operating a center for the treatment of trauma. ~~[(1) and (2) establishes requirements concerning the operation of a center for the treatment of trauma.]~~ (NRS 450B.236, 450B.237) ~~[Section 7 of this bill additionally prohibits an entity from operating a center for the treatment of trauma without the approval of the Administrator. Section 8 of this bill requires the State Board of Health to adopt criteria for designating a center as a Level I, II, III or IV center for the treatment of trauma based on the level of care that the center is capable of providing. Section 8 requires the Administrator, upon granting approval to operate a center for the treatment of trauma, to designate the center as a Level I, II, III or IV center for the treatment of trauma. Section 7 prohibits the operator of a center for the treatment of trauma from representing that the center provides care for trauma at Level I, II, III or IV or charging patients for such care unless the center has been designated by the Administrator as capable of providing care at the applicable level. Section 8 additionally: (1) requires a hospital to charge a patient for the level of trauma care that the patient actually receives; and (2) prohibits a hospital from charging an activation fee for trauma care provided at a Level III or IV.]~~ **Section 8 of this bill requires a proposal to establish a center for the treatment of trauma to be approved by the Administrator before the district board of health may approve the proposal. Section 8 also prescribes criteria for such approval related to ensuring that the proposed center will not negatively impact existing capacity to treat trauma in the county.**

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

Section 1. ~~[NRS 449.0303 is hereby amended to read as follows:~~

~~449.0303 The Board may adopt regulations requiring the licensing of a facility other than those required to be licensed pursuant to NRS 449.029 to 449.2428, inclusive, if the:~~

- ~~1. Facility provides any type of medical care or treatment [;] *or performs any procedure that requires breaking the skin of a person;* and~~
- ~~2. Regulation is necessary to protect the health of the general public.]~~

(Deleted by amendment.)

Sec. 1.2. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each off-campus location of a hospital must obtain and use on all claims for reimbursement or payment for health care services provided at the location a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital.

2. As used in this section:

(a) “National provider identifier” means the standard, unique health identifier for health care providers that is issued by the national provider system in accordance with 45 C.F.R. Part 162.

(b) “Off-campus location” means a facility:

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing preventive, diagnostic, treatment or emergency services.

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

449.029 As used in NRS 449.029 to 449.240, inclusive, **and section 1.2 of this act**, unless the context otherwise requires, “medical facility” has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 1.6. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.2 of this act** do not apply to:

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

2. Foster homes as defined in NRS 424.014.

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

Sec. 1.8. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, **and section 1.2 of this act** and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~+~~, **and section 1.2 of this act.**

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↳ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

↪ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, “living unit” means an individual private accommodation designated for a resident within the facility.

Sec. 2. ~~NRS 449.040 is hereby amended to read as follows:~~

~~449.040 1. Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.029 to 449.2428, inclusive, must file with the Division an application on a form prescribed, prepared and furnished by the Division, containing:~~

~~[1.] (a) The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years;~~

~~[2.] (b) The type of facility to be operated;~~

~~[3.] (c) The location of the facility;~~

~~[4.] (d) In specific terms, the nature of services and type of care to be offered, as defined in the regulations;~~

~~[5.] (e) The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain;~~

~~[6.] (f) The name of the person in charge of the facility;~~

~~[7.] (g) Such other information as may be required by the Division for the proper administration and enforcement of NRS 449.029 to 449.2428, inclusive;~~

~~[8.] (h) Evidence satisfactory to the Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof and the person in charge of the facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the institution for which application is made.~~

~~[9.] (i) Evidence satisfactory to the Division of the ability of the applicant to comply with the provisions of NRS 449.029 to 449.2428, inclusive, and the standards and regulations adopted by the Board.~~

~~[10.] (j) Evidence satisfactory to the Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.~~

~~2. A licensee must obtain the approval of the Division to amend his or her license to operate a facility before the addition of any medical service not previously offered or authorized by the license.~~ (Deleted by amendment.)

Sec. 3. [NRS 449.080 is hereby amended to read as follows:

~~449.080 1. If, after investigation [.] of an applicant for a new license or approval to amend a license to operate a facility before the addition of a medical service not previously offered or authorized by the license, the Division finds that [the:]~~

~~(a) [Applicant] The applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive;~~

~~(b) [Applicant] The applicant is in substantial compliance with the standards and regulations adopted by the Board;~~

~~(c) [Applicant] The applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100, has obtained the approval of the Director of the Department of Health and Human Services; [and]~~

~~(d) [Facility] The facility conforms to the applicable zoning regulations [.]~~

~~(e) On the basis of the standards adopted by the Board pursuant to NRS 449.087, there are an adequate number of cases in the community to be served to support issuing the license or amending the license to add the service, as applicable; and~~

~~(f) The applicant satisfies any other standards adopted by the Board pursuant to NRS 449.087,~~

~~the Division shall issue the license to the applicant [.] or approve the amendment to the license, as applicable.~~

~~2. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.~~

~~3. The Division may revoke approval for a licensee to provide any service authorized by its license if the licensee fails to maintain substantial compliance with the standards adopted by the Board pursuant to NRS 449.087 for the provision of services, or with any condition included in any written approval of the Director issued pursuant to the provisions of NRS 439A.100.~~ (Deleted by amendment.)

Sec. 4. [NRS 449.087 is hereby amended to read as follows:

~~449.087 1. A licensee must obtain the approval of the Division to amend his or her license to operate a facility before the addition of any of the following services:~~

~~(a) The intensive care of newborn babies.~~

~~(b) The treatment of burns.~~

~~(c) The transplant of organs.~~

~~(d) The performance of open heart surgery.~~

~~(e) A center for the treatment of trauma.~~

~~2. The Division shall approve an application to amend a license to allow a facility to provide any of the services described in subsection 1 if:~~

- ~~(a) The applicant satisfies the requirements contained in NRS 449.080;~~
~~(b) The Division determines on the basis of the standards adopted by the Board pursuant to subsection 4 that there are an adequate number of cases in the community to be served to support amending the license to add the service; and~~
~~(c) The Division determines that the applicant satisfies any other standards adopted by the Board pursuant to subsection 4.~~
~~3. The Division may revoke its approval if the licensee fails to maintain substantial compliance with the standards adopted by the Board pursuant to subsection 4 for the provision of such services, or with any conditions included in the written approval of the Director issued pursuant to the provisions of NRS 439A.100.~~
~~4.] The Board shall:~~
~~[(a)] 1. Adopt standards which have been adopted by appropriate national organizations to be used by the Division in determining whether there are an adequate number of cases in the community to be served to support *issuing a license or* amending the license of a licensee to add a *medical* service pursuant to [this section.] *NRS 449.080*; and~~
~~[(b)] 2. Adopt such other standards as it deems necessary for determining whether to approve the provision of services pursuant to [this section.] *NRS 449.080.* (Deleted by amendment.)~~

Sec. 4.3. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.2 of this act** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, **and section 1.2 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, **and section 1.2 of this act** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

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

- (a) Is convicted of violating any of the provisions of NRS 202.470;
- (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or
- (c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

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

- (a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;
- (b) A report of any investigation conducted with respect to the complaint; and
- (c) A report of any disciplinary action taken against the facility.

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

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

- (a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and
- (b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 4.6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 1.2 of this act,** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

- (a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;
- (b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;
- (c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;
- (d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and
- (e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

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

(2) Improvements are made to correct the violation.

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

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

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

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, and section 1.2 of this act or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, and section 1.2 of this act, 449.435 to 449.530, inclusive, and 449.760 and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 5. ~~NRS 449.189 is hereby amended to read as follows:~~

~~449.189 1. A hospital shall not operate a facility that provides emergency medical services which is located more than 30 miles from the hospital.~~

~~2. An independent center to provide emergency medical care shall not be operated unless a physician and registered nurse are on the premises. (Deleted by amendment.)~~

Sec. 6. ~~NRS 449.209 is hereby amended to read as follows:~~

~~449.209 1. In addition to the requirements and prohibitions set forth in NRS 449.0305, and notwithstanding any exceptions set forth in that section, a licensed medical facility or an employee of such a medical facility shall not:~~

~~(a) Refer a person to a residential facility for groups that is not licensed by the Division; or~~

~~(b) Refer a person to a residential facility for groups if the licensed medical facility or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.~~

~~2. If a licensed medical facility or an employee of such a medical facility violates the provisions of subsection 1, the licensed medical facility 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 or 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 for the enforcement of this section and the protection of the health, safety, well-being and property of residents of residential facilities for groups.~~

~~3. The Board shall:~~

~~(a) Establish and maintain a system to track violations of this section and NRS 449.0305. Except as otherwise provided in this paragraph, records created by or for the system are public records and are available for public inspection. The following information is confidential:~~

~~(1) Any personally identifying information relating to a person who is referred to a residential facility for groups.~~

~~(2) Information which may not be disclosed under federal law.~~

~~(b) Educate the public regarding the requirements and prohibitions set forth in this section and NRS 449.0305.~~

~~4. As used in this section, "licensed medical facility" means:~~

~~(a) A medical facility that is required to be licensed pursuant to this section and NRS 449.029 to 449.2428, inclusive.~~

~~(b) A facility for the dependent that is required to be licensed pursuant to this section and NRS 449.029 to 449.2428, inclusive.~~

~~(c) A facility that [provides medical care or treatment and] is required by regulation of the Board to be licensed pursuant to NRS 449.0303. **(Deleted by amendment.)**~~

Sec. 6.5. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[,]~~, **and section 1.2 of this act.**

Sec. 7. ~~NRS 450B.236 is hereby amended to read as follows:~~

~~450B.236 1. A person or entity shall not operate a center for the treatment of trauma without first applying for and obtaining the written approval of the Administrator of the Division ~~[,] pursuant to NRS 450B.237.~~~~

~~2. ***Before an operator of a center for the treatment of trauma may represent that the center provides care for trauma at a particular level and before the operator may charge patients for providing that level of care, the center must be designated at that level in accordance with the regulations adopted pursuant to NRS 450B.237.*** **(Deleted by amendment.)**~~

Sec. 8. NRS 450B.237 is hereby amended to read as follows:

450B.237 1. The board shall establish a program for treating persons who require treatment for trauma and for transporting and admitting such persons to centers for the treatment of trauma. The program must provide for the development, operation and maintenance of a system of communication to be used in transporting such persons to the appropriate centers.

2. The State Board of Health shall adopt regulations which establish the standards for the designation of hospitals as centers for the treatment of trauma. The State Board of Health shall consider the standards adopted by the American College of Surgeons for a center for the treatment of trauma as a

guide for such regulations. ~~[The regulations must prescribe criteria for designating a center as a Level I, II, III or IV center for the treatment of trauma based on the level of care that the center is capable of providing.]~~

The Administrator of the Division shall not approve ~~fr~~

~~(a) Approve~~ a proposal to designate a hospital as a center for the treatment of trauma unless ~~the~~ :

(a) The hospital meets the standards established pursuant to this subsection ~~fr~~

~~(b) Designate a center for the treatment of trauma at a particular level unless the center meets the standards established by regulation for the applicable level.] ; and~~

(b) The Administrator determines, after conducting a comprehensive assessment of needs, that the proposed center for the treatment of trauma will operate in an area that is experiencing a shortage of trauma care. Such an assessment of needs must include, without limitation, consideration of:

(1) The impact of the proposed center for the treatment of trauma on the capacity of existing hospitals to provide for the treatment of trauma;

(2) The number and locations of cases of trauma that have occurred during the previous calendar year in the county in which the proposed center for the treatment of trauma will be located and the level of treatment that was required for those cases;

(3) Any identified need for an additional center for the treatment of trauma in the county in which the proposed center for the treatment of trauma will be located; and

(4) Any additional criteria recommended by the American College of Surgeons or its successor organization, other than criteria related to community support for the proposed trauma center.

3. Each district board of health in a county whose population is 700,000 or more shall adopt ~~regulations~~ :

(a) Regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2 ~~fr~~ ; and

(b) A plan for a comprehensive trauma system concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.

4. A district board of health in a county whose population is 700,000 or more shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless ~~the~~ :

(a) The hospital meets the standards established pursuant to ~~this~~ subsection ~~fr~~

~~4. A proposal to designate a hospital located in a county whose population is 700,000 or more as a center for the treatment of trauma:~~

~~(a) Must be approved by the Administrator of the Division and by the district board of health of the county in which the hospital is located; and~~

~~(b) May not be approved unless the district board of health of the county in which the hospital is located has established and adopted a comprehensive trauma system plan concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.] 3;~~

~~(b) The proposal has been approved by the Administrator of the Division pursuant to subsection 2; and~~

~~(c) The district board of health concludes, based on the plan adopted pursuant to paragraph (b) of subsection 3, that the proposed center for the treatment of trauma will not negatively impact the capacity of existing centers for the treatment of trauma in the county.~~

5. Upon approval by the Administrator of the Division and, if the hospital is located in a county whose population is 700,000 or more, the district board of health of the county in which the hospital is located, of a proposal to designate a hospital as a center for the treatment of trauma, the Administrator of the Division shall issue ~~+~~

~~(a) Issue] written approval which designates the hospital as such a center +~~

~~(b) Designate the center as a Level I, II, III or IV center for the treatment of trauma in accordance with the regulations adopted pursuant to subsection 2.~~

~~6.] As a condition of continuing ~~the~~ designation of the hospital as a center for the treatment of trauma, the hospital must comply with the following requirements:~~

(a) The hospital must admit any injured person who requires medical care.

(b) Any physician who provides treatment for trauma must be qualified to provide that treatment.

(c) The hospital must maintain the standards specified in the regulations adopted pursuant to subsections 2 and 3.

~~(d) The hospital must charge a patient only for the level of trauma care that the patient actually receives rather than the highest level for which the hospital is designated pursuant to subsection 5.~~

~~(e) The hospital must not charge a patient a fee for activation of a team to provide trauma care at level III or IV.]~~

Sec. 8.5. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred

from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

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

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

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

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, **and section 1.2 of this act** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

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

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

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

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

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

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

Sec. 9. 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. 319.

Bill read second time.

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

Amendment No. 231.

ASSEMBLYMEN TOLLES, YEAGER, ROBERTS; HANSEN ~~(AND)~~ , HARDY, KRAMER, LEAVITT AND McCURDY

JOINT SPONSORS: SENATORS KIECKHEFER, DENIS, SEEVERS GANSERT; AND BROOKS

AN ACT relating to professional licensing; authorizing a person to petition a professional or occupational licensing board for a determination of whether the person's criminal history will disqualify him or her from obtaining a license; requiring a professional or occupational licensing board to implement a process for such a petition; establishing certain requirements for such process; requiring a professional or occupational licensing board to make a quarterly report to the Legislative Counsel Bureau with certain information; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person to apply for various professional and occupational licenses if a person meets the requirements established in statute and by the professional or occupational licensing board which grants the license. (Title 54 of NRS; Chapters 1, 7, 90, 116A, 119A, 232B, 240A, 244, 289, 361, 379, 394, 433, 435, 445B, 453A, 455C, 457, ~~463, 466, 467,~~ 477, 482, ~~483,~~ 487, 489, 490, 502-505, 534, 544, 555, 557, 576, 581, 582, 584, 587, 599A, 599B, 618 and 706 of NRS, NRS 391.060, 458.0255, 458.0256) Existing law requires certain boards to submit a quarterly report to the Director of the Legislative Counsel Bureau containing certain information. (NRS 622.100) **Section 1** of this bill requires a regulatory body to develop and implement a process by which a person can petition the regulatory body for a determination of whether the person's criminal history will disqualify the person from obtaining a license from the regulatory body. **Section 1** requires the regulatory body to inform the person of the regulatory body's determination within ~~60,~~ 90 days after the petition is submitted and allows the regulatory body to rescind the determination at any time. **Section 1** authorizes a regulatory body to provide instructions to a person who receives a determination of disqualification to remedy the determination and resubmit his or her petition after remedying the determination. **Section 1** authorizes a person to petition the regulatory body at any time, including before obtaining any education necessary to obtain a license. **Section 1** authorizes the regulatory body to charge a fee of up to ~~(\$25),~~ \$50 for the costs of considering a petition. **Section 1** ~~requires~~ authorizes a regulatory body to post information on its Internet website concerning the requirements for obtaining a license and a list of crimes that would disqualify a person for a license. **Section 1 also authorizes a regulatory body to request the criminal history record of a person who petitions the regulatory body for a determination of disqualification or qualification. Section 1 prohibits a person who petitions a regulatory body from submitting false or misleading information to the regulatory body.** **Section 2** of this bill requires a regulatory body to include certain information concerning the determinations of qualification or disqualification in its quarterly report to the Director of the

Legislative Counsel Bureau. **Sections 3-5, 9-13, 15, 16, 19, 25, 26, 28, 29, ~~32-36,~~ 32, 36, 38, ~~39,~~ 43-45, 47-51, 53, 57, 63, 67-70 and 72-76** of this bill replicate the requirements of **section 1** for other professional or occupational licensing boards, in addition to requiring the respective professional or occupational licensing board to submit a quarterly report to the Director of the Legislative Counsel Bureau containing certain information.

Existing law establishes the Sunset Subcommittee of the Legislative Commission. (NRS 232B.210-232B.250) Existing law requires the Sunset Subcommittee to conduct reviews of the professional and occupational licensing boards in this State and make recommendations on the continued existence or efficiency of the board. (NRS 232B.220, 232B.250) **Section 6** of this bill requires the Sunset Subcommittee to conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate. **Section 8** of this bill requires the Sunset Subcommittee to include in any recommendation made on the appropriateness of a restriction on the criminal history of an applicant suggestions for legislative action.

Sections 7, 14, 17, 18, 20-24, 27, 30, 31, 37, ~~40-42,~~ 46, 52, 54-56, 58-62, 64-66, 71 and 77-85 of this bill make conforming changes.

WHEREAS, The right of a natural person to pursue an occupation or profession is a fundamental right; and

WHEREAS, Regulations of occupations and professions shall be construed and applied to increase economic opportunities, promote competition and encourage innovation; and

WHEREAS, Where the State of Nevada finds it is necessary to displace competition, it will use the least restrictive regulation necessary to protect consumers from present, significant and substantiated harms that threaten public health and safety; and

WHEREAS, A regulation of an occupation or profession may be enforced against a natural person only to the extent the natural person sells goods or provides services that are explicitly included in the statute that defines the scope of practice of the occupation; and

WHEREAS, The fundamental right of a natural person to pursue an occupation includes the right of a natural person with a criminal history to obtain an occupational or professional license; now, therefore,

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~chapter~~ chapters 624 and 648 of NRS, a regulatory body shall develop and implement a process by which a person with a criminal history may petition the regulatory body to review the

criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license from the regulatory body.

2. *Not later than ~~60~~ 90 days after a petition is submitted to a regulatory body pursuant to subsection 1, a regulatory body shall inform the person of the determination of the regulatory body of whether the person's criminal history will disqualify the person from obtaining a license. A regulatory body is not bound by its determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.*

3. *A regulatory body may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the regulatory body at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the regulatory body.*

5. *A person may submit a new petition to the regulatory body not earlier than 2 years after the final determination of the initial petition submitted to the regulatory body.*

6. *A regulatory body may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. A regulatory body may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *A regulatory body ~~[shall]~~ may post on its Internet website:*

(a) *The requirements to obtain a license from the regulatory body; and*
 (b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the regulatory body.*

8. *A regulatory body may request the criminal history record of a person who petitions the regulatory body for a determination pursuant to subsection 1. To the extent consistent with federal law, if the regulatory body makes such a request of a person, the regulatory body shall require the person to submit his or her criminal history record which includes a report from:*

(a) *The Central Repository for Nevada Records of Criminal History; and*
 (b) *The Federal Bureau of Investigation.*

9. *A person who petitions a regulatory body for a determination pursuant to subsection 1 shall not submit false or misleading information to the regulatory body.*

Sec. 2. NRS 622.100 is hereby amended to read as follows:

622.100 1. Each regulatory body shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director:

(a) A summary of each disciplinary action taken by the regulatory body during the immediately preceding calendar quarter against any licensee of the regulatory body; and

(b) A report that includes:

(1) For the immediately preceding calendar quarter:

(I) The number of licenses issued by the regulatory body;

(II) The total number of applications for licensure received by the regulatory body;

(III) The number of applications rejected by the regulatory body as incomplete;

(IV) The average number of days between the date of rejection of an application as incomplete and the resubmission by the applicant of a complete application;

(V) A list of each reason given by the regulatory body for the denial of an application and the number of applications denied by the regulatory body for each such reason; ~~and~~

(VI) The number of applications reviewed on an individual basis by the regulatory body or the executive head of the regulatory body; ~~and~~

(VII) The number of petitions submitted to the regulatory body pursuant to section 1 of this act;

(VIII) The number of determinations of disqualification made by the regulatory body pursuant to section 1 of this act; and

(IX) The reasons for such determinations; and

(2) Any other information that is requested by the Director or which the regulatory body determines would be helpful to the Legislature in evaluating whether the continued existence of the regulatory body is necessary.

2. The Director shall:

(a) Provide any information received pursuant to subsection 1 to a member of the public upon request;

(b) Cause a notice of the availability of such information to be posted on the public website of the Nevada Legislature on the Internet; and

(c) Transmit a compilation of the information received pursuant to subsection 1 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

3. The Director, on or before the first day of each regular session of the Legislature and at such other times as directed, shall compile the reports received pursuant to paragraph (b) of subsection 1 and distribute copies of the compilation to the Senate Standing Committee on Commerce, Labor and Energy and the Assembly Standing Committee on Commerce and Labor, each of which shall review the compilation to determine whether the continued existence of each regulatory body is necessary.

Sec. 3. Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Court Administrator shall develop and implement a process by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.*

3. *The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.*

5. *A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.*

6. *The Court Administrator may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Court Administrator ~~[shall]~~ may post on its Internet website:*

(a) *The requirements to obtain a certification or registration as a court interpreter; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.*

8. *The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.*

10. *The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Court Administrator pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Court Administrator determines would be helpful.*

~~10~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 4. Chapter 116A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~\$25~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Division ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a certificate or registration from the Division; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a certificate or registration from the Division.*

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Division pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Division pursuant to subsection 1;
- (c) The reasons for such determinations; and
- (d) Any other information that is requested by the Director or which the Division determines would be helpful.

~~10~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~{8}~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 5. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or registration pursuant to this chapter.

2. Not later than ~~{60}~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license or registration. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination ~~{of disqualification or qualification}~~ at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or registration from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a license or registration from the Division; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or registration from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

~~10~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~{8}~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 6. Chapter 232B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate.

2. Each professional or occupational licensing board and regulatory body subject to review pursuant to subsection 1 must submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:

(a) *The number of petitions submitted to a professional or occupational licensing board and regulatory body pursuant to sections 1, 3-5, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, ~~31~~ 36, 38, ~~39~~ 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this act;*

(b) *The number of determinations of disqualification made by the professional or occupational licensing board and regulatory body pursuant to sections 1, 3-5, 9-13, 15, 16, 19, 25, 26, 28, 29, 32, ~~31~~ 36, 38, ~~39~~ 43-45, 47-51, 53, 57, 63, 67-70 and 72-76 of this act; and*

(c) *The reasons for such determinations of disqualification.*

3. *As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.*

Sec. 7. NRS 232B.220 is hereby amended to read as follows:

232B.220 1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review not less than 10 boards and commissions specified in subsection 1 each legislative interim.

3. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to NRS 232B.210 to 232B.250, inclusive, **and section 6 of this act** is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 8. NRS 232B.250 is hereby amended to read as follows:

232B.250 1. If the Sunset Subcommittee of the Legislative Commission determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.

2. If the Sunset Subcommittee determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. *If the Sunset Subcommittee determines to recommend the modification, continuation or removal of the restrictions on the criminal history of an applicant for an occupational or professional license, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by any modification, continuation or removal of such restrictions.*

4. On or before June 30, 2012, the Sunset Subcommittee shall make all of its initial recommendations pursuant to this section, if any. The Sunset Subcommittee shall make all subsequent recommendations pursuant to this section, if any, on or before June 30 of each even-numbered year occurring thereafter.

Sec. 9. Chapter 240A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Secretary of State shall develop and implement a process by which a person with a criminal history may petition the Secretary of State to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration pursuant to NRS 240A.100.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Secretary of State pursuant to subsection 1, the Secretary of State shall inform the person of the determination of the Secretary of State of whether the person's criminal history will disqualify the person from obtaining a registration. The Secretary of State is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Secretary of State may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Secretary of State at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Secretary of State.*

5. *A person may submit a new petition to the Secretary of State not earlier than 2 years after the final determination of the initial petition submitted to the Secretary of State.*

6. *The Secretary of State may impose a fee of up to ~~25~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Secretary of State may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Secretary of State ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a registration pursuant to NRS 240A.100 from the Secretary of State; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a registration from the Secretary of State.*

8. The Secretary of State may request the criminal history record of a person who petitions the Secretary of State for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Secretary of State makes such a request of a person, the Secretary of State shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Secretary of State for a determination pursuant to subsection 1 shall not submit false or misleading information to the Secretary of State.

10. The Secretary of State shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Secretary of State pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Secretary of State pursuant to subsection 1;
- (c) The reasons for such determinations; and
- (d) Any other information that is requested by the Director or which the Secretary of State determines would be helpful.

~~10.7~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~10.7~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 10. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners or county license board shall develop and implement a process by which a person with a criminal history may petition the board of county commissioners or county license board to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license.

2. Not later than ~~60~~ 90 days after a petition is submitted to a board of county commissioners or county license board pursuant to subsection 1, a board of county commissioners or county license board shall inform the person of the determination of the board of county commissioners or county license board of whether the person's criminal history will disqualify the person from obtaining a license. The board of county commissioners or county license board is not bound by its determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.

3. A board of county commissioners or county license board may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving

instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the board of county commissioners or county license board at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners or county license board.

5. A person may submit a new petition to the board of county commissioners or county license board not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners or county license board.

6. A board of county commissioners or county license board may impose a fee of up to ~~up to \$25~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. A board of county commissioners or county license board may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. A board of county commissioners or county license board ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a license from the board of county commissioners or county license board, as applicable; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from a board of county commissioners or county license board.

8. A board of county commissioners or county license board may request the criminal history record of a person who petitions the board of county commissioners or county license board for a determination pursuant to subsection 1. To the extent consistent with federal law, if the board of county commissioners or county license board makes such a request of a person, the board of county commissioners or county license board shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the board of county commissioners or county license board for a determination pursuant to subsection 1 shall not submit false or misleading information to the board of county commissioners or county license board.

10. A board of county commissioners or county license board shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to a board of county commissioners or county license board pursuant to subsection 1;

(b) The number of determinations of disqualification made by a board of county commissioners or county license board pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which a board of county commissioners or county license board determines would be helpful.

~~10~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 11. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining an appraiser's certificate pursuant to NRS 361.221.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a certificate. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to ~~\$25~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department ~~shall~~ may post on its Internet website:

(a) The requirements to obtain an appraiser's certificate from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and
(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

~~10.~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~10~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 12. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Library, Archives and Public Records Administrator shall develop and implement a process by which a person with a criminal history may petition the State Library, Archives and Public Records Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certification pursuant to NRS 379.0073.

2. Not later than ~~60~~ 90 days after a petition is submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1, the State Library, Archives and Public Records Administrator shall inform the person of the determination of the State Library, Archives and Public Records Administrator of whether the person's criminal history will disqualify the person from obtaining a certification. The State Library, Archives and Public Records Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.

3. The State Library, Archives and Public Records Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Library, Archives and Public Records Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to

obtain a certification from the State Library, Archives and Public Records Administrator.

5. A person may submit a new petition to the State Library, Archives and Public Records Administrator not earlier than 2 years after the final determination of the initial petition submitted to the State Library, Archives and Public Records Administrator.

6. The State Library, Archives and Public Records Administrator may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Library, Archives and Public Records Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Library, Archives and Public Records Administrator ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a certification from the State Library, Archives and Public Records Administrator; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the State Library, Archives and Public Records Administrator.

8. The State Library, Archives and Public Records Administrator may request the criminal history record of a person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Library, Archives and Public Records Administrator makes such a request of a person, the State Library, Archives and Public Records Administrator shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Library, Archives and Public Records Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Library, Archives and Public Records Administrator.

10. The State Library, Archives and Public Records Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Library, Archives and Public Records Administrator pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Library, Archives and Public Records Administrator determines would be helpful.

~~10.11.~~ *The Director shall transmit a compilation of the information received pursuant to subsection ~~10.10~~ to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 13. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate pursuant to NRS 433.601 to 433.621, inclusive.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.*

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~\$25~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Division ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a certification pursuant to NRS 433.601 to 433.621, inclusive, from the Division; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a certification from the Division.*

8. *The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*

(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) The number of petitions submitted to the Division pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Division pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Division determines would be helpful.

~~10.~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 14. NRS 433.601 is hereby amended to read as follows:

433.601 As used in NRS 433.601 to 433.621, inclusive, **and section 13 of this act**, unless the context otherwise requires, the words and terms defined in NRS 433.603 and 433.605 have the meanings ascribed to them in those sections.

Sec. 15. Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.*

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~25~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. ~~The Division shall~~ may post on its Internet website:

- (a) The requirements to obtain a certificate from the Division; and
- (b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Division pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Division pursuant to subsection 1;
- (c) The reasons for such determinations; and
- (d) Any other information that is requested by the Director or which the Division determines would be helpful.

~~10.7~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~10.7~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 16. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department of Motor Vehicles shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a qualification to inspect devices for the control of emissions for motor vehicles pursuant to NRS 445B.775.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department of Motor Vehicles pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a qualification. The Department is not bound its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Department of Motor Vehicles may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving*

instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department of Motor Vehicles at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a qualification from the Department.

5. A person may submit a new petition to the Department of Motor Vehicles not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department of Motor Vehicles may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department of Motor Vehicles ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a qualification from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a qualification from the Department.

8. The Department of Motor Vehicles may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department of Motor Vehicles for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department of Motor Vehicles shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

~~10.~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 17. NRS 445B.790 is hereby amended to read as follows:

445B.790 1. The Department of Motor Vehicles shall, by regulation, establish procedures for inspecting authorized inspection stations, authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, authorized station or fleet station to submit any material or document which is used in the program to control emissions from motor vehicles.

2. The Department may deny, suspend or revoke the license of an approved inspector, authorized inspection station, authorized station or fleet station if:

(a) The approved inspector or the holder of a license for an authorized inspection station, authorized station or fleet station is not complying with the provisions of NRS 445B.700 to 445B.815, inclusive ~~+~~, **and section 16 of this act.**

(b) The holder of a license for an authorized inspection station, authorized station or fleet station refuses to furnish the Department with the requested material or document.

(c) The approved inspector has issued a fraudulent certificate of compliance, whether intentionally or negligently. A “fraudulent certificate” includes, but is not limited to:

- (1) A backdated certificate;
- (2) A postdated certificate; and
- (3) A certificate issued without an inspection.

(d) The approved inspector does not follow the prescribed test procedure.

Sec. 18. 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 section 16 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 section 16 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.

Sec. 19. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person’s criminal history will disqualify the person from obtaining a certificate to operate an intermediary service organization pursuant to NRS 449.431.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the

determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Division ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a certificate from the Division; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.*

8. *The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Division pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

~~10~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~[8]~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 20. NRS 449.4304 is hereby amended to read as follows:

449.4304 As used in NRS 449.4304 to 449.4339, inclusive, **and section 19 of this act**, unless the context otherwise requires, “intermediary service organization” means a nongovernmental entity that provides services authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 21. NRS 449.431 is hereby amended to read as follows:

449.431 1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate to operate an intermediary service organization as provided in NRS 449.4304 to 449.4339, inclusive ~~††~~, **and section 19 of this act**.

2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 22. NRS 449.4321 is hereby amended to read as follows:

449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of NRS 449.4304 to 449.4339, inclusive, **and section 19 of this act** upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, **and section 19 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 23. NRS 449.4335 is hereby amended to read as follows:

449.4335 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449.4304 to 449.4339, inclusive, **and section 19 of this act**, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449.4308 until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

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

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

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

3. The Division may require any intermediary service organization that violates any provision of NRS 449.4304 to 449.4339, inclusive, **and section 19 of this act**, or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 24. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 449.4304 to 449.4339, inclusive ~~+~~, **and section 19 of this act**:

(a) Without first obtaining a certificate to operate an intermediary service organization; or

(b) After the person's certificate has been revoked or suspended by the Division.

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

Sec. 25. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The health authority shall develop and implement a process by which a person with a criminal history may petition the health authority to review the criminal history of the person to determine if the person's criminal

history will disqualify the person from obtaining a license as an attendant or firefighter or a certificate pursuant to NRS 450B.160.

2. Not later than ~~60~~ 90 days after a petition is submitted to the health authority pursuant to subsection 1, the health authority shall inform the person of the determination of the health authority of whether the person's criminal history will disqualify the person from obtaining a license or certificate. The health authority is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.

3. The health authority may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the health authority at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or certificate from the health authority.

5. A person may submit a new petition to the health authority not earlier than 2 years after the final determination of the initial petition submitted to the health authority.

6. The health authority may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The health authority may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The health authority ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a license or certificate from the health authority; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or certificate from the health authority.

8. The health authority may request the criminal history record of a person who petitions the health authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the health authority makes such a request of a person, the health authority shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the health authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the health authority.

10. The health authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) *The number of petitions submitted to the health authority pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the health authority pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the health authority determines would be helpful.*

~~10~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 26. Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a medical marijuana establishment agent registration card or medical marijuana establishment registration certificate from the Department.*

5. *A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.*

6. *The Department may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Department ~~[shall]~~ may post on its Internet website:*

(a) *The requirements to obtain a medical marijuana establishment agent registration card and a medical marijuana establishment registration certificate from the Department; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a medical marijuana establishment agent registration card or a medical marijuana establishment registration certificate from the Department.*

8. *The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:*

(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.*

10. *The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Department pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Department pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Department determines would be helpful.*

~~10.7~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~10.7~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 27. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the Department shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary.....	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary.....	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility.....	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility.....	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000

For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products 1,000

For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card 75

For each person identified in an application for the renewal of a medical marijuana establishment agent registration card 75

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory 5,000

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Department:

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the Department in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

- (a) Must be expended first to pay the costs of the Department in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive ~~††~~, **and section 26 of this act**; and
- (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 28. Chapter 455C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person’s criminal history will disqualify the person from obtaining a certificate as a boiler inspector or elevator mechanic pursuant to NRS 455C.110.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person’s criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.*

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division ~~shall~~ may post on its Internet website:

- (a) The requirements to obtain a certificate from the Division; and
- (b) A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Division pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Division pursuant to subsection 1;
- (c) The reasons for such determinations; and
- (d) Any other information that is requested by the Director or which the Division determines would be helpful.

~~10~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~10~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 29. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of authorization to operate a radiation machine for mammography pursuant to NRS 457.183.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the

determination of the Division of whether the person's criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Division ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a certificate from the Division; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a certificate from the Division.*

8. *The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Division pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

~~10~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~{8}~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 30. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, **and section 29 of this act**, unless the context otherwise requires:

1. “Mammography” means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. “Radiation” means radiant energy which exceeds normal background levels and which is used in radiography.

3. “Radiography” means the making of a film or other record of an internal structure of the body by passing X-rays or gamma rays through the body to act on film or other receptor of images.

Sec. 31. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Division may impose an administrative fine, not to exceed \$5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, **and section 29 of this act**, or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

Sec. 32. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person’s criminal history will disqualify the person from obtaining a certificate as a detoxification technician pursuant to NRS 458.025.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person’s criminal history will disqualify the person from obtaining a certificate. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.

3. The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the Division.

5. A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.

6. The Division may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section.

The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Division ~~shall~~ may post on its Internet website:

- (a) The requirements to obtain a certification from the Division; and*
- (b) A list of crimes, if any, that would disqualify a person from obtaining a certification from the Division.*

8. The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and*
- (b) The Federal Bureau of Investigation.*

9. A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.

10. The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Division pursuant to subsection 1;*
- (b) The number of determinations of disqualification made by the Division pursuant to subsection 1;*
- (c) The reasons for such determinations; and*
- (d) Any other information that is requested by the Director or which the Division determines would be helpful.*

~~10.~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 33. ~~Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Commission shall develop and implement a process by which a person with a criminal history may petition the Commission to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration as a gaming employee or a license to disseminate information concerning racing pursuant to this chapter.*~~

~~*2. Not later than 60 days after a petition is submitted to the Commission pursuant to subsection 1, the Commission shall inform the person of the determination of the Commission of whether the person's criminal history will disqualify the person from obtaining a registration or license. The Commission may rescind a determination of disqualification or qualification at any time.*~~

~~*3. The Commission may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1*~~

~~not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~4. A person with a criminal history may petition the Commission at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration or license from the Commission.~~

~~5. A person may submit a new petition to the Commission not earlier than 2 years after the final determination of the initial petition submitted to the Commission.~~

~~6. The Commission may impose a fee of up to \$25 upon the person to fund the administrative costs in complying with the provisions of this section. The Commission may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~7. The Commission shall post on its Internet website:~~

~~(a) The requirements to obtain a registration or license from the Commission; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a registration or license from the Commission.~~

~~8. The Commission shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~(a) The number of petitions submitted to the Commission pursuant to subsection 1;~~

~~(b) The number of determinations of disqualification made by the Commission pursuant to subsection 1;~~

~~(c) The reasons for such determinations; and~~

~~(d) Any other information that is requested by the Director or which the Commission determines would be helpful.~~

~~9. The Director shall transmit a compilation of the information received pursuant to subsection 8 to the Legislative Commission quarterly, unless otherwise directed by the Commission.} (Deleted by amendment.)~~

Sec. 34. [Chapter 466 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. The Commission shall develop and implement a process by which a person with a criminal history may petition the Commission to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license related to horse racing pursuant to NRS 466.170.~~

~~2. Not later than 60 days after a petition is submitted to the Commission pursuant to subsection 1, the Commission shall inform the person of the determination of the Commission of whether the person's criminal history will disqualify the person from obtaining a license. The Commission may rescind a determination of disqualification or qualification at any time.~~

~~3. The Commission may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1~~

~~not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~4. A person with a criminal history may petition the Commission at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Commission.~~

~~5. A person may submit a new petition to the Commission not earlier than 2 years after the final determination of the initial petition submitted to the Commission.~~

~~6. The Commission may impose a fee of up to \$25 upon the person to fund the administrative costs in complying with the provisions of this section. The Commission may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~7. The Commission shall post on its Internet website:~~

~~(a) The requirements to obtain a license from the Commission; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Commission.~~

~~8. The Commission shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~(a) The number of petitions submitted to the Commission pursuant to subsection 1;~~

~~(b) The number of determinations of disqualification made by the Commission pursuant to subsection 1;~~

~~(c) The reasons for such determinations; and~~

~~(d) Any other information that is requested by the Director or which the Commission determines would be helpful.~~

~~9. The Director shall transmit a compilation of the information received pursuant to subsection 8 to the Legislative Commission quarterly, unless otherwise directed by the Commission. (Deleted by amendment.)~~

Sec. 35. [Chapter 467 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. The Commission shall develop and implement a process by which a person with a criminal history may petition the Commission to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license related to a contest or exhibition of unarmed combat pursuant to NRS 467.100.~~

~~2. Not later than 60 days after a petition is submitted to the Commission pursuant to subsection 1, the Commission shall inform the person of the determination of the Commission of whether the person's criminal history will disqualify the person from obtaining a license. The Commission may rescind a determination of disqualification or qualification at any time.~~

~~3. The Commission may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1~~

~~not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~4. A person with a criminal history may petition the Commission at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Commission.~~

~~5. A person may submit a new petition to the Commission not earlier than 2 years after the final determination of the initial petition submitted to the Commission.~~

~~6. The Commission may impose a fee of up to \$25 upon the person to fund the administrative costs in complying with the provisions of this section. The Commission may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~7. The Commission shall post on its Internet website:~~

~~(a) The requirements to obtain a license from the Commission; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Commission.~~

~~8. The Commission shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~(a) The number of petitions submitted to the Commission pursuant to subsection 1;~~

~~(b) The number of determinations of disqualification made by the Commission pursuant to subsection 1;~~

~~(c) The reasons for such determinations; and~~

~~(d) Any other information that is requested by the Director or which the Commission determines would be helpful.~~

~~9. The Director shall transmit a compilation of the information received pursuant to subsection 8 to the Legislative Commission quarterly, unless otherwise directed by the Commission. (Deleted by amendment.)~~

Sec. 36. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Fire Marshal shall develop and implement a process by which a person with a criminal history may petition the State Fire Marshal to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration as a fire performer or apprentice fire performer pursuant to NRS 477.223.

2. Not later than ~~60~~ 90 days after a petition is submitted to the State Fire Marshal pursuant to subsection 1, the State Fire Marshal shall inform the person of the determination of the State Fire Marshal of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Fire Marshal is not bound by his or her determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.

3. *The State Fire Marshal may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the State Fire Marshal at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate from the State Fire Marshal.*

5. *A person may submit a new petition to the State Fire Marshal not earlier than 2 years after the final determination of the initial petition submitted to the State Fire Marshal.*

6. *The State Fire Marshal may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Fire Marshal may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The State Fire Marshal ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a certificate from the State Fire Marshal; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a certificate from the State Fire Marshal.*

8. *The State Fire Marshal may request the criminal history record of a person who petitions the State Fire Marshal for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Fire Marshal makes such a request of a person, the State Fire Marshal shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the State Fire Marshal for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Fire Marshal.*

10. *The State Fire Marshal shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the State Fire Marshal pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the State Fire Marshal pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the State Fire Marshal determines would be helpful.*

~~10. 11.~~ *The Director shall transmit a compilation of the information received pursuant to subsection ~~{8}~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 37. NRS 477.220 is hereby amended to read as follows:

477.220 As used in NRS 477.220 to 477.226, inclusive, *and section 36 of this act*, unless the context otherwise requires, the words and terms defined in NRS 477.221 and 477.222 have the meanings ascribed to them in those sections.

Sec. 38. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.*

5. *A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.*

6. *The Department may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Department ~~shall~~ may post on its Internet website:*

- (a) *The requirements to obtain a license from the Department; and*
- (b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.*

8. *The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:*

- (a) *The Central Repository for Nevada Records of Criminal History; and*
- (b) *The Federal Bureau of Investigation.*

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

~~10.~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 39. ~~[Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to operate a school for training drivers pursuant to NRS 483.700.~~

~~2. Not later than 60 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department may rescind a determination of disqualification or qualification at any time.~~

~~3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.~~

~~5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.~~

~~6. The Department may impose a fee of up to \$25 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~7. The Department shall post on its Internet website:~~

~~(a) The requirements to obtain a license from the Department; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.~~

~~8. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~(a) The number of petitions submitted to the Department pursuant to subsection 1;~~

~~(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;~~

~~(c) The reasons for such determinations; and~~

~~(d) Any other information that is requested by the Director or which the Department determines would be helpful.~~

~~9. The Director shall transmit a compilation of the information received pursuant to subsection 8 to the Legislative Commission quarterly, unless otherwise directed by the Commission.~~ **(Deleted by amendment.)**

Sec. 40. [NRS 483.760 is hereby amended to read as follows:

~~483.760 The Department may refuse to issue a license or may cancel, suspend, revoke or refuse to renew any license granted pursuant to NRS 483.700 to 483.780, inclusive [;], and section 39 of this act:~~

~~1. If the applicant or licensee makes a material misstatement on an application.~~

~~2. If the applicant or licensee fails or refuses to provide any information requested by the Department in conjunction with an application.~~

~~3. If the applicant has been convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive [;], and section 39 of this act.~~

~~4. If the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department or induces or countenances fraud or fraudulent practices on the part of any applicant for driver's license.~~

~~5. If the licensee fails to comply with or is convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive, and section 39 of this act, or any of the regulations or requirements of the Department made pursuant thereto.~~

~~6. If the licensee or any employee or agent of the licensee solicits persons for enrollment in a school for training drivers in an office of the Department or within 200 feet of any such office.~~

~~7. If the licensee or any employee or agent of the licensee follows the identical course of training which is used by the Department in giving an examination for a driver's license.~~ **(Deleted by amendment.)**

Sec. 41. [NRS 483.767 is hereby amended to read as follows:

~~483.767 1. The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 483.700 to 483.780, inclusive, and section 39 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 to the credit of the State Highway Fund.~~

~~3. In addition to any other remedy provided by NRS 483.700 to 483.780, inclusive, and section 39 of this act, the Department may compel compliance with any provision of NRS 483.700 to 483.780, inclusive, 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. 42. ~~[NRS 483.780 is hereby amended to read as follows:~~

~~483.780 The Department shall charge annually the following fees for licenses issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive [-], and section 39 of this act:~~

License for a school for training drivers.....	\$50
License for a driving instructor.....	10
License for a school, an agency or a business that provides an — educational course on the abuse of alcohol and controlled — substances.....	250
License for an instructor of an educational course on the abuse — of alcohol and controlled substances.....	50
License for a school for traffic safety.....	250
License for an instructor of traffic safety.....	50

~~(Deleted by amendment.)~~

Sec. 43. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person’s criminal history will disqualify the person from obtaining a license pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person’s criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department ~~shall~~ may post on its Internet website:

- (a) The requirements to obtain a license from the Department; and
- (b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Department pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Department pursuant to subsection 1;
- (c) The reasons for such determinations; and
- (d) Any other information that is requested by the Director or which the Department determines would be helpful.

~~9.1~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 44. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the*

determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Division.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Division ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a license from the Division; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the Division.*

8. *The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Division pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

~~10~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~[8]~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 45. Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to NRS 490.200 or a temporary permit.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license or temporary permit. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or temporary permit from the Department.*

5. *A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.*

6. *The Department may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Department ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a license or temporary permit from the Department; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license or temporary permit from the Department.*

8. *The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.*

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Department pursuant to subsection 1;***
- (b) The number of determinations of disqualification made by the Department pursuant to subsection 1;***
- (c) The reasons for such determinations; and***
- (d) Any other information that is requested by the Director or which the Department determines would be helpful.***

~~9. 11.~~ The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 46. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 490.0827, 490.125 and 490.150 to 490.520, inclusive, ***and section 45 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 to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter 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.

Sec. 47. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to practice taxidermy pursuant to NRS 502.370.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of

disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department ~~shall~~ may post on its Internet website:

- (a) The requirements to obtain a license from the Department; and
- (b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Department pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Department pursuant to subsection 1;
- (c) The reasons for such determinations; and
- (d) Any other information that is requested by the Director or which the Department determines would be helpful.

~~9.~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 48. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history

will disqualify the person from obtaining a falconry license pursuant to NRS 503.583.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a falconry license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a falconry license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. The Department may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Department ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a falconry license from the Department; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a falconry license from the Department.

8. The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) *The number of determinations of disqualification made by the Department pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Department determines would be helpful.*

~~9.~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 49. Chapter 504 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a master guide license or subguide license pursuant to NRS 504.390.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.*

5. *A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.*

6. *The Department may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Department ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a license from the Department; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.*

8. *The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a*

request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.

10. The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the Department pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

~~9.~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 50. Chapter 505 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a fur dealer's license pursuant to NRS 502.240.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.

3. The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.

5. A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.

6. *The Department may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Department ~~[shall]~~ may post on its Internet website:*

- (a) *The requirements to obtain a license from the Department; and*
- (b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.*

8. *The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:*

- (a) *The Central Repository for Nevada Records of Criminal History; and*
- (b) *The Federal Bureau of Investigation.*

9. *A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.*

10. *The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

- (a) *The number of petitions submitted to the Department pursuant to subsection 1;*
- (b) *The number of determinations of disqualification made by the Department pursuant to subsection 1;*
- (c) *The reasons for such determinations; and*
- (d) *Any other information that is requested by the Director or which the Department determines would be helpful.*

~~10~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~[8]~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 51. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Engineer shall develop and implement a process by which a person with a criminal history may petition the State Engineer to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license to drill pursuant to NRS 534.140.*

2. *Not later than ~~[60]~~ 90 days after a petition is submitted to the State Engineer pursuant to subsection 1, the State Engineer shall inform the person of the determination of the State Engineer of whether the person's criminal history will disqualify the person from obtaining a license. The State Engineer is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.*

3. *The State Engineer may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the State Engineer at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the State Engineer.*

5. *A person may submit a new petition to the State Engineer not earlier than 2 years after the final determination of the initial petition submitted to the State Engineer.*

6. *The State Engineer may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Engineer may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The State Engineer ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a license from the State Engineer; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the State Engineer.*

8. *The State Engineer may request the criminal history record of a person who petitions the State Engineer for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Engineer makes such a request of a person, the State Engineer shall require the person to submit his or her criminal history record which includes a report from:*

(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. *A person who petitions the State Engineer for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Engineer.*

10. *The State Engineer shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the State Engineer pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the State Engineer pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the State Engineer determines would be helpful.*

~~10.~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~10~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 52. NRS 534.190 is hereby amended to read as follows:

534.190 Any person violating any of the provisions of NRS 534.010 to 534.180, inclusive, **and section 51 of this act** shall be guilty of a misdemeanor.

Sec. 53. Chapter 544 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license and a permit pursuant to NRS 544.120.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license and a permit. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.*

3. *The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license and a permit from the Director.*

5. *A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.*

6. *The Director may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Director ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a license and a permit from the Director; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license and a permit from the Director.*

8. *The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:*

(a) *The Central Repository for Nevada Records of Criminal History; and*

(b) *The Federal Bureau of Investigation.*

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Conservation and Natural Resources shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director of the Legislative Counsel Bureau, a report that includes:

(a) The number of petitions submitted to the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Director of the State Department of Conservation and Natural Resources pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Conservation and Natural Resources determines would be helpful.

~~10.~~ 11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection ~~10~~ to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 54. NRS 544.070 is hereby amended to read as follows:

544.070 As used in NRS 544.070 to 544.240, inclusive, **and section 53 of this act**, unless the context requires otherwise:

1. "Director" means the Director of the State Department of Conservation and Natural Resources.

2. "Operation" means:

(a) The performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year; or

(b) If the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year.

3. "Research and development" means theoretical analysis, exploration and experimentation and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes.

4. "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development

of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 55. NRS 544.220 is hereby amended to read as follows:

544.220 1. The Director may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The Director may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of NRS 544.070 to 544.240, inclusive ~~†~~, **and section 53 of this act**. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds for the proposed suspension or revocation. The Director may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provisions of NRS 544.070 to 544.240, inclusive ~~†~~, **and section 53 of this act**.

2. The Director may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the Director that it is necessary for the protection of the health or the property of any person to make the modification proposed.

Sec. 56. NRS 544.240 is hereby amended to read as follows:

544.240 Any person violating any of the provisions of NRS 544.070 to 544.240, inclusive, **and section 53 of this act**, or any lawful regulation or order issued pursuant thereto shall be guilty of a misdemeanor and a continuing violation is punishable as a separate offense for each day during which it occurs.

Sec. 57. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a government applicator pursuant to NRS 555.2772 or a business license or license as an applicator pursuant to NRS 555.290.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to ~~to \$25~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director ~~shall~~ may post on its Internet website:

- (a) The requirements to obtain a license from the Director; and
- (b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;
- (c) The reasons for such determinations; and
- (d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

~~9. 11.~~ 11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 58. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 59. NRS 555.273 is hereby amended to read as follows:

555.273 All state agencies, municipal corporations and public utilities or any other governmental agency and any government applicator is subject to the provisions of NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, and rules adopted thereunder concerning the application of restricted-use pesticides by any person.

Sec. 60. NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any business license or license issued to an applicator or government applicator under NRS 555.2605 to 555.460, inclusive, **and section 57 of this act** if the Director finds that:

- (a) The licensee is no longer qualified;
- (b) The licensee has engaged in fraudulent business practices in pest control;
- (c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;
- (d) The licensee has applied known ineffective or improper materials;
- (e) The licensee has operated faulty or unsafe equipment;
- (f) The licensee has made any application of materials in a manner inconsistent with labeling or any restriction imposed by regulation of the Director, or otherwise in a faulty, careless or negligent manner;
- (g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, or regulations adopted pursuant thereto;
- (h) The licensee has engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision;
- (i) The licensee has aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, **and section 57 of this act**, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed the license to be used by an unlicensed person;
- (j) The licensee was intentionally guilty of fraud or deception in the procurement of the license;
- (k) The licensee was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation;
- (l) The licensee has been convicted of, or entered a plea of nolo contendere to, a category A or B felony or a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years in any court of competent jurisdiction in the United States or any other country; or
- (m) The licensee has failed to provide adequate instruction or supervision to any unlicensed employee working under the supervision of the licensee.

2. A business license and any license issued to a principal of the business as an applicator is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330 is cancelled, and the licenses remain suspended until the insurance is re-established.

3. If the licensee is a natural person, any licensee against whom the Director initiates disciplinary action pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director and in accordance with any regulations adopted by the Department, submit to the Director any document or other information required by the Department to perform a background check of the licensee. Any document or other information submitted pursuant to this subsection must be accompanied by the appropriate fees, if any, specified in regulations adopted by the Department for performing the background check. A willful failure of a licensee to comply with the requirements of this subsection constitutes an additional ground for the revocation, suspension or modification of the license pursuant to this section.

Sec. 61. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, *and section 57 of this act*, or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 62. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive ~~H~~, *and section 57 of this act*. The maximum fine that may be imposed by the Director for each violation must not exceed \$5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~H~~, *and section 57 of this act*.

Sec. 63. Chapter 557 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the*

criminal history of the person to determine if the person's criminal history will disqualify the person from registering as a grower, handler or producer pursuant to NRS 557.200.

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from registration. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Department.*

5. *A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.*

6. *The Department may impose a fee of up to ~~(\$25)~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Department ~~shall~~ may post on its Internet website:*

- (a) The requirements to register with the Department; and*
- (b) A list of crimes, if any, that would disqualify a person from obtaining a registration from the Department.*

8. *The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:*

- (a) The Central Repository for Nevada Records of Criminal History; and*
- (b) The Federal Bureau of Investigation.*

9. *A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.*

10. *The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

- (a) The number of petitions submitted to the Department pursuant to subsection 1;*

(b) The number of determinations of disqualification made by the Department pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Department determines would be helpful.

~~10.~~ **11.** *The Director shall transmit a compilation of the information received pursuant to subsection ~~8.~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 64. NRS 557.100 is hereby amended to read as follows:

557.100 As used in NRS 557.100 to 557.290, inclusive, **and section 63 of this act**, unless the context otherwise requires, the words and terms defined in NRS 557.110 to 557.180, inclusive, have the meanings ascribed to them in those sections.

Sec. 65. NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of NRS 557.100 to 557.290, inclusive, **and section 63 of this act** do not apply to the Department or an institution of higher education which grows or cultivates industrial hemp pursuant to NRS 557.010 to 557.080, inclusive.

Sec. 66. NRS 557.280 is hereby amended to read as follows:

557.280 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of NRS 557.100 to 557.290, inclusive, **and section 63 of this act**, the regulations adopted pursuant thereto or any lawful order of the Department.

2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of NRS 557.100 to 557.290, inclusive, **and section 63 of this act**, the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed \$2,500.

3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 67. Chapter 576 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall develop and implement a process by which a person with a criminal history may petition the Department to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a broker, dealer, commission merchant or agent pursuant to NRS 576.030.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Department pursuant to subsection 1, the Department shall inform the person of the determination of the Department of whether the person's criminal history will disqualify the person from obtaining a license. The Department is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Department may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Department at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Department.*

5. *A person may submit a new petition to the Department not earlier than 2 years after the final determination of the initial petition submitted to the Department.*

6. *The Department may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Department may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Department ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a license from the Department; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license from the Department.*

8. *The Department may request the criminal history record of a person who petitions the Department for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Department makes such a request of a person, the Department shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Department for a determination pursuant to subsection 1 shall not submit false or misleading information to the Department.*

10. *The Department shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Department pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Department pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Department determines would be helpful.*

~~9.~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 68. Chapter 581 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate of registration pursuant to NRS 581.103.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person of the determination of the State Sealer of Consumer Equitability of whether the person's criminal history will disqualify the person from obtaining a certificate of registration. The State Sealer of Consumer Equitability is not bound by his or her determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.*

3. *The State Sealer of Consumer Equitability may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the State Sealer of Consumer Equitability at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate of registration from the State Sealer of Consumer Equitability.*

5. *A person may submit a new petition to the State Sealer of Consumer Equitability not earlier than 2 years after the final determination of the initial petition submitted to the State Sealer of Consumer Equitability.*

6. *The State Sealer of Consumer Equitability may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Sealer of Consumer Equitability may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The State Sealer of Consumer Equitability ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a certificate of registration from the State Sealer of Consumer Equitability; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a certificate of registration from the State Sealer of Consumer Equitability.*

8. *The State Sealer of Consumer Equitability may request the criminal history record of a person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Sealer of Equitability makes such a request of a person, the State Sealer of Equitability shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and
(b) The Federal Bureau of Investigation.

9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

~~10~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 69. Chapter 582 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Consumer Equitability shall develop and implement a process by which a person with a criminal history may petition the State Sealer of Consumer Equitability to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license as a public weighmaster pursuant to NRS 582.028.

2. Not later than ~~60~~ 90 days after a petition is submitted to the State Sealer of Consumer Equitability pursuant to subsection 1, the State Sealer of Consumer Equitability shall inform the person of the determination of the State Sealer of Consumer Equitability of whether the person's criminal history will disqualify the person from obtaining a license. The State Sealer of Consumer Equitability is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.

3. The State Sealer of Consumer Equitability may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the State Sealer of Consumer Equitability at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the State Sealer of Consumer Equitability.

5. A person may submit a new petition to the State Sealer of Consumer Equitability not earlier than 2 years after the final determination of the initial petition submitted to the State Sealer of Consumer Equitability.

6. The State Sealer of Consumer Equitability may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The State Sealer of Consumer Equitability may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The State Sealer of Consumer Equitability ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a license from the State Sealer of Consumer Equitability; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the State Sealer of Consumer Equitability.

8. The State Sealer of Consumer Equitability may request the criminal history record of a person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1. To the extent consistent with federal law, if the State Sealer of Consumer Equitability makes such a request of a person, the State Sealer of Consumer Equitability shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the State Sealer of Consumer Equitability for a determination pursuant to subsection 1 shall not submit false or misleading information to the State Sealer of Consumer Equitability.

10. The State Sealer of Consumer Equitability shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

(a) The number of petitions submitted to the State Sealer of Consumer Equitability pursuant to subsection 1;

(b) The number of determinations of disqualification made by the State Sealer of Consumer Equitability pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the State Sealer of Consumer Equitability determines would be helpful.

~~10. 11.~~ 11. The Director shall transmit a compilation of the information received pursuant to subsection ~~10~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 70. Chapter 584 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will

disqualify the person from obtaining a milk tester's license pursuant to NRS 584.215.

2. Not later than ~~60~~ 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.

3. The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the Director.

5. A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.

6. The Director may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The Director ~~shall~~ may post on its Internet website:

- (a) The requirements to obtain a license from the Director; and
- (b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:

- (a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;
- (b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;
- (c) The reasons for such determinations; and

(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.

~~§ 11.~~ *The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection ~~§ 10~~ to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 71. NRS 584.285 is hereby amended to read as follows:

584.285 Any person violating any provision of NRS 584.215 to 584.285, inclusive, **and section 70 of this act** shall be guilty of a misdemeanor.

Sec. 72. Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or registration pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Director pursuant to subsection 1, the Director shall inform the person of the determination of the Director of whether the person's criminal history will disqualify the person from obtaining a license or registration. The Director is not bound by his or her determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Director may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Director at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or registration from the Director.*

5. *A person may submit a new petition to the Director not earlier than 2 years after the final determination of the initial petition submitted to the Director.*

6. *The Director may impose a fee of up to ~~25~~ 50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Director ~~shall~~ may post on its Internet website:*

(a) The requirements to obtain a license or registration from the Director; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license or registration from the Director.

8. The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:

- (a) The Central Repository for Nevada Records of Criminal History; and**
- (b) The Federal Bureau of Investigation.**

9. A person who petitions the Director for a determination pursuant to subsection 1 shall not submit false or misleading information to the Director.

10. The Director of the State Department of Agriculture shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director of the Legislative Counsel Bureau, a report that includes:

- (a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;**
- (b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;**
- (c) The reasons for such determinations; and**
- (d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.**

~~9~~ 11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.

Sec. 73. Chapter 599A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners of any county and the governing body of an incorporated city shall develop and implement a process by which a person with a criminal history may petition the board of county commissioners of any county and the governing body of an incorporated city to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license pursuant to NRS 599A.050.

2. Not later than ~~60~~ 90 days after a petition is submitted to the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1, the board of county commissioners of any county and the governing body of an incorporated city shall inform the person of the determination of the board of county commissioners of any county and the governing body of an incorporated city of whether the person's criminal history will disqualify the person from obtaining a license. The board of county commissioners of any county and the governing body of an incorporated city is not bound by its determination

~~of disqualification or qualification and may rescind such a determination of disqualification or qualification~~ at any time.

3. The board of county commissioners of any county and the governing body of an incorporated city may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.

4. A person with a criminal history may petition the board of county commissioners of any county and the governing body of an incorporated city at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license from the board of county commissioners of any county and the governing body of an incorporated city.

5. A person may submit a new petition to the board of county commissioners of any county and the governing body of an incorporated city not earlier than 2 years after the final determination of the initial petition submitted to the board of county commissioners of any county and the governing body of an incorporated city.

6. The board of county commissioners of any county and the governing body of an incorporated city may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The board of county commissioners of any county and the governing body of an incorporated city may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

7. The board of county commissioners of any county and the governing body of an incorporated city ~~shall~~ may post on its Internet website:

(a) The requirements to obtain a license from the board of county commissioners or the governing body, as applicable; and

(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the board of county commissioners of any county and the governing body of an incorporated city ~~if~~, as applicable.

8. The board of county commissioners of any county and the governing body of an incorporated city may request the criminal history record of a person who petitions the board of county commissioners or the governing body, as applicable, for a determination pursuant to subsection 1. To the extent consistent with federal law, if the board of county commissioners or governing body, as applicable, makes such a request of a person, the board of county commissioners or governing body, as applicable, shall require the person to submit his or her criminal history record which includes a report from:

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. A person who petitions the board of county commissioners of any county and the governing body of an incorporated city for a determination

pursuant to subsection 1 shall not submit false or misleading information to the board of county commissioners or governing body, as applicable.

10. *The board of county commissioners of any county and the governing body of an incorporated city shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) The number of petitions submitted to the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1;

(b) The number of determinations of disqualification made by the board of county commissioners of any county and the governing body of an incorporated city pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the board of county commissioners of any county and the governing body of an incorporated city determines would be helpful.

~~10.~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~10~~ 11 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 74. Chapter 599B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a registration pursuant to NRS 599B.080.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a registration. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination [of disqualification or qualification] at any time.*

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a registration from the Division.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Division ~~shall~~ may post on its Internet website:*

- (a) *The requirements to obtain a registration from the Division; and*
- (b) *A list of crimes, if any, that would disqualify a person from obtaining a registration from the Division.*

8. *The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*

- (a) The Central Repository for Nevada Records of Criminal History; and
- (b) The Federal Bureau of Investigation.

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

- (a) *The number of petitions submitted to the Division pursuant to subsection 1;*
- (b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*
- (c) *The reasons for such determinations; and*
- (d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

~~10~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~10~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 75. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division shall develop and implement a process by which a person with a criminal history may petition the Division to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a license or certification pursuant to this chapter.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Division pursuant to subsection 1, the Division shall inform the person of the determination of the Division of whether the person's criminal history will disqualify the person from obtaining a license or certification. The Division is not bound by its determination of disqualification or qualification and may rescind such a determination ~~of disqualification or qualification~~ at any time.*

3. *The Division may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Division at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a license or certification from the Division.*

5. *A person may submit a new petition to the Division not earlier than 2 years after the final determination of the initial petition submitted to the Division.*

6. *The Division may impose a fee of up to ~~[\$25]~~ \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Division may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Division ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a license or certification from the Division; and*

(b) *A list of crimes, if any, that would disqualify a person from obtaining a license or certification from the Division.*

8. *The Division may request the criminal history record of a person who petitions the Division for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Division makes such a request of a person, the Division shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Division for a determination pursuant to subsection 1 shall not submit false or misleading information to the Division.*

10. *The Division shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) *The number of petitions submitted to the Division pursuant to subsection 1;*

(b) *The number of determinations of disqualification made by the Division pursuant to subsection 1;*

(c) *The reasons for such determinations; and*

(d) *Any other information that is requested by the Director or which the Division determines would be helpful.*

~~9.~~ 11. *The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 76. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Authority shall develop and implement a process by which a person with a criminal history may petition the Authority to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a driver's permit pursuant to NRS 706.462.*

2. *Not later than ~~60~~ 90 days after a petition is submitted to the Authority pursuant to subsection 1, the Authority shall inform the person of the determination of the Authority of whether the person's criminal history will disqualify the person from obtaining a driver's permit. The Authority is not bound by its determination of disqualification or qualification and may rescind such a determination ~~[of disqualification or qualification]~~ at any time.*

3. *The Authority may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.*

4. *A person with a criminal history may petition the Authority at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a driver's permit from the Authority.*

5. *A person may submit a new petition to the Authority not earlier than 2 years after the final determination of the initial petition submitted to the Authority.*

6. *The Authority may impose a fee of up to ~~[\$25] \$50~~ upon the person to fund the administrative costs in complying with the provisions of this section. The Authority may waive such fees or allow such fees to be covered by funds from a scholarship or grant.*

7. *The Authority ~~shall~~ may post on its Internet website:*

(a) *The requirements to obtain a driver's permit from the Authority; and*
(b) *A list of crimes, if any, that would disqualify a person from obtaining a driver's permit from the Authority.*

8. *The Authority may request the criminal history record of a person who petitions the Authority for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Authority makes such a request of a person, the Authority shall require the person to submit his or her criminal history record which includes a report from:*

(a) The Central Repository for Nevada Records of Criminal History; and

(b) The Federal Bureau of Investigation.

9. *A person who petitions the Authority for a determination pursuant to subsection 1 shall not submit false or misleading information to the Authority.*

10. *The Authority shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:*

(a) The number of petitions submitted to the Authority pursuant to subsection 1;

(b) The number of determinations of disqualification made by the Authority pursuant to subsection 1;

(c) The reasons for such determinations; and

(d) Any other information that is requested by the Director or which the Authority determines would be helpful.

~~10~~ ***11.*** *The Director shall transmit a compilation of the information received pursuant to subsection ~~8~~ 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.*

Sec. 77. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, **and section 76 of this act**, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 78. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, **and section 76 of this act** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 79. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, **and section 76 of this act** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 80. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, **and section 76 of this act** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license.

If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. Except as otherwise provided in NRS 706.1519, the proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 81. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the Authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive ~~††~~, **and section 76 of this act**; or

2. The Authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

↪ without including the number of the person's certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, **and section 76 of this act** is being violated,

↪ the Authority shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive ~~††~~, **and section 76 of this act**. The Authority shall enforce compliance with the order pursuant to the powers vested in the Authority by NRS 706.011 to 706.791, inclusive, **and section 76 of this act** or by other law.

Sec. 82. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, **and section 76 of this act** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 83. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, **and section 76 of this act** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, **and section 76 of this act**, or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~†~~, **and section 76 of this act**;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~†~~, **and section 76 of this act;**

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~†~~, **and section 76 of this act;**

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

↪ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

↪ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In

addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 84. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, **and section 76 of this act**, unless the person has been issued such a certificate or permit.

2. If, after notice and a hearing, the Authority determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Authority may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, **and section 76 of this act**, issue an order to the person to cease and desist the unlawful advertising and to:

(a) 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.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that the person receives an order pursuant to subsection 2, the Authority may request the Commission 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 2 within 5 days after the date the person receives an order pursuant to subsection 2, the Authority 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.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the Authority pursuant to subsection 3, 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), the provider 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.

5. 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 "fully regulated carrier" 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. 85. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and section 76 of this act*, for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and section 76 of this act*, and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 85.5. 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. 86. This act becomes effective on July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time.

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

Amendment No. 395.

AN ACT relating to commercial motor vehicles; revising provisions relating to additional fees for the registration of certain commercial motor vehicles based on the weight of the vehicle; **revising provisions governing the permitting of certain commercial motor vehicles based on the length of the vehicle;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, for every motortruck, truck-tractor or bus, the payment of an additional fee for registration that is based on the weight of the vehicle. At the top of the fee schedule, such a vehicle which weighs not less than 26,001 pounds and not more than 80,000 pounds must pay a fee of \$17 for each 1,000 pounds, with a maximum fee of \$1,360. (NRS 482.482) ~~[This]~~ **Section 1 of this** bill adds an additional tier of vehicle weights, to the extent authorized by federal law, from 80,001 pounds to ~~[131,550]~~ **129,000** pounds. Such a vehicle must pay a fee of \$1,360, plus \$20 for each 1,000 pounds over 80,000 pounds, with a maximum fee of ~~[\$2,391]~~ **\$2,340. A vehicle may be registered at a weight over 129,000 pounds to the extent federal law authorizes additional weight allowances for certain alternative fuel sources and idle reduction technology.**

Under existing law, certain permits to operate certain longer combinations of vehicles are issued by the Department of Transportation. Such permits are transferable. (NRS 706.531) Section 2 of this bill provides that for a vehicle registered in excess of 80,000 pounds no separate permit is required, and that once the vehicle is registered to operate in excess of 80,000 pounds, such a vehicle is deemed permitted to operate at any legal reducible combination. A separate permit is still required for a reducible combination that is less than 80,000 pounds but exceeding 70 feet in length.

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

Section 1. NRS 482.482 is hereby amended to read as follows:

482.482 1. In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department for the registration of every motortruck, truck-tractor or bus which has a declared gross weight of:

- (a) Less than 6,000 pounds, a fee of \$33.
- (b) Not less than 6,000 pounds and not more than 8,499 pounds, a fee of \$38.
- (c) Not less than 8,500 pounds and not more than 10,000 pounds, a fee of \$48.
- (d) Not less than 10,001 pounds and not more than 26,000 pounds, a fee of \$12 for each 1,000 pounds or fraction thereof.
- (e) Not less than 26,001 pounds and not more than 80,000 pounds, a fee of \$17 for each 1,000 pounds or fraction thereof. ~~[The maximum fee is \$1,360.]~~

(f) To the extent authorized by federal law, not less than 80,001 and not more than ~~[131,550]~~ 129,000 pounds, a fee of \$1,360, plus \$20 for each 1,000 pounds or fraction thereof over 80,000 pounds. The maximum fee is ~~[\$2,391]~~ \$2,340. A vehicle may register for additional weight as follows, for no additional fee:

(1) A vehicle powered by an alternative fuel source, including, without limitation, liquefied natural gas or electric power, may register for additional

weight in an amount equal to the weight of the equipment required for the alternative fuel system but not to exceed 2,000 pounds.

(2) A vehicle with an auxiliary power unit or idle reduction technology, as those terms are defined in 42 U.S.C. § 16104, may register for additional weight in an amount equal to the weight of the auxiliary power unit or idle reduction technology but not to exceed 550 pounds.

2. Except as otherwise provided in subsection 6, the original or renewal registration fees for fleets of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles may be paid in installments, the amount of which must be determined by regulation. The Department shall not allow installment payments for a vehicle added to a fleet after the original or renewal registration is issued.

3. If the due date of any installment falls on a Saturday, Sunday or legal holiday, that installment is not due until the next following business day.

4. Any payment required by subsection 2 shall be deemed received by the Department on the date shown by the post office cancellation mark stamped on an envelope containing payment properly addressed to the Department, if that date is earlier than the actual receipt of that payment.

5. A person who fails to pay any fee pursuant to subsection 2 or governmental services tax when due shall pay to the Department a penalty of 10 percent of the amount of the unpaid fee, plus interest on the unpaid fee at the rate of 1 percent per month or fraction of a month from the date the fee and tax were due until the date of payment.

6. If a person fails to pay any fee pursuant to subsection 2 or governmental services tax when due, the Department may, in addition to the penalty provided for in subsection 5, require that person to pay:

(a) The entire amount of the unpaid registration fee and governmental services tax owed by that person for the remainder of the period of registration; and

(b) On an annual basis, any registration fee and governmental services tax set forth in subsection 2 which may be incurred by that person in any subsequent period of registration.

7. A person who is convicted of, or who pleads guilty, guilty but mentally ill or nolo contendere to, a violation of NRS 484D.630 must reregister the vehicle with a declared gross weight equal to:

(a) The gross vehicle weight rating; or

(b) The combined gross vehicle weight rating, if the vehicle was operated in combination at the time of the violation.

↪ The registration fee owed pursuant to this subsection is incurred from the date the person was convicted of, or pled guilty, guilty but mentally ill or nolo contendere to, a violation of NRS 484D.630.

Sec. 1.5. NRS 706.531 is hereby amended to read as follows:

706.531 1. The Department of Transportation **or its designee** shall approve an application for a permit pursuant to the provisions of subsection 5

of NRS 484D.615. ~~The permit must be carried and displayed in such a manner as the Department determines on every combination so operating. The permit issued may be transferred from one combination to another, under such conditions as the Department may by regulation prescribe, but must not be transferred from one person or operator to another without prior approval of the Department. The permit may be used only on~~ **In lieu of a separate permit issued by the Department, a motor ~~vehicle~~ vehicle regularly licensed in excess of 80,000 pounds pursuant to the provisions of NRS 482.482, shall be deemed permitted to operate any legal, reducible combination pursuant to NRS 484D.615.**

2. The annual fee for each permit for a **legal, reducible** combination of vehicles ~~is \$60 for each 1,000 pounds or fraction thereof of gross weight in excess of 80,000 pounds. The fee must be reduced one twelfth for each month that has elapsed since the beginning of each registration cycle rounded to the nearest dollar, but must not be less than \$50. The annual fee for each permit for a combination of vehicles~~ **exceeding 70 feet in length but** not exceeding 80,000 pounds is \$10.

3. The fee required pursuant to this ~~subsection is~~ **section are** in addition to all other fees required by the provisions of this chapter. ~~The Department of Transportation shall adopt regulations establishing registration cycles for permits issued pursuant to this section and establishing procedures for assigning a person applying for a permit pursuant to this section to a particular registration cycle.~~

~~3.]~~ 4. Any person operating a combination of vehicles licensed pursuant to the provisions of subsection **1 or 2** who is apprehended operating a combination ~~in excess of the gross weight for~~ which ~~the fee in subsection 2 has been paid~~ **violates this section or NRS 484D.615** is, in addition to all other penalties provided by law, liable for the difference between the fee for the load being carried and the fee paid, for the full licensing period.

~~4. Any person apprehended operating a combination of vehicles without having complied with the provisions of this section and NRS 484D.615 is, in addition to all other penalties provided by law, liable for the payment of the fee which would be due pursuant to the provisions of subsection 2 for the balance of the registration cycle for the gross load being carried at the time of apprehension.~~

~~5. The holder of an original permit may, upon surrendering the permit to the Department or upon delivering to the Department a signed and notarized statement that the permit was lost or stolen and such other documentation as the Department may require, apply to the Department:~~

~~(a) For a refund of an amount equal to that portion of the fees paid for the permit that is attributable, on a pro rata monthly basis, to the remainder of the registration cycle; or~~

~~(b) To have that amount credited against excise taxes due pursuant to the provisions of chapter 366 of NRS.]~~

Sec. 2. This act becomes effective ~~upon passage and approval~~, on January 1, 2020.

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. 331.

Bill read second time.

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

Amendment No. 268.

AN ACT relating to pupils; creating the Outdoor Education and Recreation Grant Program; requiring the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to develop and administer the Grant Program; requiring the Administrator to adopt regulations; requiring the Administrator to appoint an advisory committee; creating the Outdoor Education and Recreation Grant Program Account and the Outdoor Education and Recreation Grant Program Endowment Fund; prescribing the uses of the money in the Account and in the Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Outdoor Education and Recreation Grant Program. **Section 3** of this bill requires the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources, within the limits of available resources, to develop and administer a program to award grants to public and private entities to conduct outdoor education and recreation programs for pupils in this State. Those programs must: (1) enable the pupils to experience directly the natural world; (2) integrate that experience with exposure to matters concerning the environment, agriculture or natural resources or other related matters; (3) be designed to improve the pupils' overall academic performance and other personal attributes; and (4) be primarily focused on pupils who are from economically disadvantaged backgrounds or at risk of failing academically or dropping out of school. **Section 3** also requires the Administrator to adopt regulations prescribing the criteria for eligibility, the procedures for the submission and review of applications and the substantive priorities for programs to be selected to receive money from the Grant Program. **Section 4** of this bill requires the Administrator to establish an advisory committee to assist in the development and administration of the Grant Program. **Section 5** of this bill creates the Outdoor Education and Recreation Grant Program Account and requires the Administrator to deposit in the Account any appropriation, gift, grant, bequest or donation of money received for the use of the Grant Program. **Section 6** of this bill creates the Outdoor Education and Recreation Grant Program Endowment Fund to receive any contribution ~~that~~ to the Fund. **Section 6**

also requires the principal **of the Fund** to remain intact and allows only the interest income earned on the principal to be used to carry out the Grant Program.

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

Section 1. Chapter 407 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, “Grant Program” means the Outdoor Education and Recreation Grant Program created by section 3 of this act.*

Sec. 3. 1. *The Outdoor Education and Recreation Grant Program is hereby created for the purpose of awarding grants to eligible public agencies, private nonprofit organizations and other community-based entities to conduct outdoor education and recreation programs for pupils in this State. Such an outdoor education and recreation program must:*

(a) Provide the pupils with high-quality opportunities to directly experience the natural world;

(b) Integrate that experience with exposure to matters concerning the environment, agriculture, natural resources or other related matters;

(c) Be designed to improve the overall academic performance, self-esteem, personal responsibility, community involvement, personal health or understanding of nature of pupils; and

(d) Be primarily focused on pupils who are:

(1) From economically disadvantaged backgrounds, as measured by their eligibility for free or reduced-price meals pursuant to 42 U.S.C. §§ 1751 et seq. or an alternative measure prescribed by the State Board of Education;

(2) Most likely to fail academically; or

(3) Appear to have the greatest potential to drop out of school.

2. *The Administrator shall, within the limits of available resources, develop and administer the Grant Program and adopt regulations for its governance. The regulations must prescribe, without limitation:*

(a) The criteria for eligibility to receive money from the Grant Program;

(b) Procedures for the submission and review of applications to receive money from the Grant Program;

(c) Priorities for program selection that take into account, without limitation, the extent to which a program:

(1) Contributes to the reduction of academic failure and dropout rates;

(2) Uses a curriculum that is research-based and effective;

(3) Contributes to the healthy lifestyles of pupils through outdoor recreation and sound nutrition;

(4) Makes use of state parks as venues and the personnel of the Department as expert resources;

(5) Maximizes the number of pupils that can participate;

(6) Commits to providing matching funds and in-kind resources;

- (7) *Creates partnerships with other public or private entities;*
- (8) *Provides participating pupils with opportunities to directly experience and understand nature and the natural world; and*
- (9) *Includes ongoing evaluation, assessment, and reporting of the effectiveness of the program.*

3. *As used in this section, "public agency" has the meaning ascribed to it in NRS 277.100.*

Sec. 4. 1. *The Administrator shall, by regulation, establish an advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. The regulations must specify:*

- (a) *The membership of the committee;*
- (b) *The duties of the committee;*
- (c) *The terms of members of the committee; and*
- (d) *The rules for the governance of the committee.*

2. *The Administrator shall appoint members to the advisory committee who have knowledge and experience in outdoor education and recreation and matters concerning the environment, agriculture, natural resources or other related matters relevant to the purposes of the Grant Program. The advisory committee must include, without limitation, members from:*

- (a) *Agencies of state and local government;*
- (b) *Public schools, private schools, charter schools and school districts;*
- (c) *Private nonprofit organizations and community-based programs; and*
- (d) *The business community.*

3. *In addition to the membership prescribed by subsection 2, the Administrator shall appoint to the advisory committee a person who was or is a pupil in this State and participated in an outdoor education and recreation program that was funded by a grant awarded pursuant to section 3 of this act or, if no such person is available to serve, a person who represents pupils in this State and has knowledge and experience in outdoor education and recreation programs.*

4. *To the extent that money is available for that purpose, each member of the advisory committee who is not an officer or employee of the State of Nevada is entitled to receive a salary of not more than \$80 per day, fixed by the Administrator, for each day or portion of a day spent on the business of the advisory committee. Each member of the advisory committee who is an officer or employee of the State of Nevada serves without additional compensation. To the extent that money is available for that purpose, each member of the advisory committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

~~4.~~ 5. *Each member of the advisory committee who is an officer or employee of the State of Nevada or a local government must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the advisory committee and perform any work necessary to carry out the duties of the advisory committee in the most*

timely manner practicable. A state agency or local governmental entity may not require an employee who is a member of the advisory committee to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the advisory committee.

Sec. 5. 1. The Outdoor Education and Recreation Grant Program Account is hereby created in the State General Fund.

2. The Administrator shall administer the Account.

3. In addition to any direct legislative appropriation, the Administrator may apply for and accept any gift, grant, bequest, donation or other source of money. Except as otherwise provided in section 6 of this act, any money so received must be deposited in the Account.

4. Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account must be used to carry out the Grant Program.

6. Claims against the Account must be paid as other claims against the State are paid.

7. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 6. 1. The Outdoor Education and Recreation Grant Program Endowment Fund is hereby created as a trust fund in the State Treasury.

2. The Administrator shall administer the Fund.

3. The State Treasurer shall deposit in the Fund:

(a) Any money that the State Treasurer receives from a person who wishes to contribute to the Fund; and

(b) Any interest or income earned on money in the Fund.

4. The money that represents the principal of the Fund must not be spent for any purpose. The money that represents the interest or income earned may be spent or transferred to the Outdoor Education and Recreation Grant Program Account created by section 5 of this act and must be used to carry out the Grant Program.

5. Claims against the Fund must be paid as other claims against the State are paid.

Sec. 7. 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. 333.

Bill read second time.

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

Amendment No. 352.

ASSEMBLYMEN COHEN, MCCURDY, JAUREGUI; ~~AND~~ **BACKUS, BILBRAY-AXELROD, CARRILLO, ELLISON, GORELOW, LEAVITT, MONROE-MORENO, NGUYEN, ROBERTS, SMITH, WATTS, WHEELER AND YEAGER.**

SUMMARY—Provides for the issuance of ~~“One October”~~ **“Vegas Strong”** specialty license plates. (BDR 43-273)

AN ACT relating to special license plates; providing for the issuance of **“Vegas Strong”** special license plates; ~~commemorating and memorializing the victims of the One October shooting in Las Vegas;~~ imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill requires the Department of Motor Vehicles to design, prepare and issue special license plates commemorating ~~and memorializing~~ the ~~victims of~~ **strength, solidarity and resilience of the community of Las Vegas following** the ~~One October~~ shooting in Las Vegas, Nevada, which occurred on October 1, 2017. The fees generated by the special license plates that are in addition to all other applicable registration and license fees and governmental services taxes are required to be deposited with the State Treasurer, who must, on a quarterly basis, distribute the fees to the Vegas Strong Resiliency Center for use in providing resources and referrals to residents, visitors and responders affected by the ~~One October~~ shooting in Las Vegas. A person wishing to obtain the special license plates may also request that the plates be combined with personalized prestige plates if the person pays the additional fees for the personalized prestige plates.

Under existing law, certain special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 6-8** of this bill exempt the special license plates commemorating ~~and memorializing~~ the ~~victims of~~ **strength, solidarity and resilience** of the ~~One October~~ **community of Las Vegas following the** shooting in Las Vegas from each of the preceding requirements. **Sections 2-5 and 9-12** 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 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department, in cooperation with the Las Vegas Victims’ Fund Committee or its successor organization, shall design, prepare and issue license plates which commemorate* ~~and memorialize the victims of the One October~~ **the strength, solidarity and resilience of the community of Las**

Vegas following the shooting which occurred on October 1, 2017, in Las Vegas, Nevada, using any colors that the Department deems appropriate.

2. The Department shall issue license plates that commemorate ~~and memorialize the victims of the One October shooting in~~ the strength, solidarity and resilience of the community of Las Vegas for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that commemorate ~~and memorialize the victims of the One October shooting in~~ the strength, solidarity and resilience of the community of Las Vegas if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that commemorate ~~and memorialize the victims of the One October shooting in~~ the strength, solidarity and resilience of the community of Las Vegas pursuant to subsection 3.

3. The fee for license plates that commemorate ~~and memorialize the victims of the One October shooting in~~ the strength, solidarity and resilience of the community of Las Vegas is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed pursuant to subsection 3, a person who requests a set of license plates that commemorate ~~and memorialize the victims of the One October shooting in~~ the strength, solidarity and resilience of the community of Las Vegas must pay for the issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be deposited in accordance with subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Vegas Strong Resiliency Center or its successor organization for use in providing resources and referrals for residents, visitors and responders affected by the ~~One October~~ shooting in Las Vegas ~~—~~ which occurred on October 1, 2017.

6. The provisions of NRS 482.36705 do not apply to license plates described in this section.

7. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the

registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

8. The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of the special license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.

Sec. 2. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, **and section 1 of this act** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term "trailer" does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 3. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle;

or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~††~~, **and section 1 of this act**; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 4. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act**. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 5. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. Any license plates issued for a trailer before January 1, 1982, are not subject to reissue pursuant to subsection 2 of NRS 482.265.

6. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive ~~†~~, **and section 1 of this act**.

Sec. 6. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates. The Commission is advisory to the Department and consists of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall recommend to the Department that the Department approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➔ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to,

as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 ~~†~~ **or section 1 of this act.**

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 7. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 ~~†~~ **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 8. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates recommends to the Department that the Department approve the application for the authorized plate pursuant to NRS 482.367004.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787 or 482.37901 ~~†~~ **or section 1 of this act.**

Sec. 9. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act* and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, full trailers or semitrailers registered pursuant to subsection 3 of NRS 482.483 and mopeds registered pursuant to NRS 482.2155, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, “fees” does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) “Additional fees” has the meaning ascribed to it in NRS 482.38273.

(b) “Charitable organization” means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive ~~§~~, **and section 1 of this act**. The term includes the successor, if any, of a charitable organization.

Sec. 10. NRS 482.38276 is hereby amended to read as follows:

482.38276 “Special license plate” means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37904, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

3. Except for a license plate that is issued pursuant to NRS 482.3746, 482.3757, 482.3785, 482.3787 or 482.37901 ~~§~~ **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

Sec. 11. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, **and section 1 of this act**, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on

all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of

the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

Sec. 12. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.3755, inclusive, **and section 1 of this act**, 482.376 or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the

Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

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. 338.

Bill read second time.

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

Amendment No. 345.

ASSEMBLYMEN WHEELER, KRAMER, ELLISON; ASSEFA, BILBRAY-AXELROD, CARRILLO, COHEN, EDWARDS, FUMO, GORELOW, HAFEN, HANSEN, HARDY, KRASNER, LEAVITT, MARTINEZ, MCCURDY, MUNK, PETERS, ROBERTS, SWANK, ~~HAND~~ TOLLES AND YEAGER, (BY REQUEST)

JOINT SPONSORS: SENATORS SPEARMAN, OHRENSCHALL, KIECKHEFER; BROOKS CANCELA, HAMMOND, HANSEN, PICKARD, SEEVERS GANSERT AND SETTELMEYER

SUMMARY—Revises requirements for the operation of a motor vehicle by a young ~~for inexperienced~~ driver. (BDR 43-600)

AN ACT relating to motor vehicles; ~~requiring certain young or inexperienced drivers to display a placard in a motor vehicle operated by the driver; requiring~~ **authorizing** completion of a **hands-on** defensive driving course **in lieu of certain supervised driving experience** for any applicant for a driver's license who is under ~~17~~ **18** years of age; **requiring the Department of Motor Vehicles to approve and maintain a list of such courses**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill requires that a driver operating a motor vehicle while holding an instruction permit or a restricted instruction permit display a placard in the rear window of the motor vehicle which indicates that the driver holds an instruction permit. A driver who has held a driver's license for less than 6 months must display in the rear window of any motor vehicle operated by the driver a placard which indicates the driver is a new driver. Section 1 further requires the Department of Motor Vehicles to issue such a placard to applicable drivers, and requires the Director of the Department to order the preparation of placards which are suitable for display in the rear window of a motor vehicle without impairing the vision of the driver.]~~

Existing law authorizes the issuance of a driver's license to a person who is 16 or 17 years of age under certain circumstances, including, with certain exceptions, completion by the person of a course in automobile driver education or a course provided by a school for training drivers that is licensed in this State. **Such a person must also provide proof of at least 50 hours of supervised driving experience.** (NRS 483.2521) ~~[Sections 3-5]~~ **Section 3** of

this bill ~~require~~ allows any person under the age of ~~[21]~~ 18 years to ~~[also]~~ complete ~~[a]~~ an approved hands-on course in defensive driving in lieu of completing 50 hours of supervised driving experience to obtain a driver's license. **Section 2** of this bill requires the Department of Motor Vehicles to approve for the purposes of this ~~requirement~~ provision any hands-on defensive driving course that: (1) includes both theory of defensive driving and practical experience in defensive driving skills and maneuvers; (2) is provided by a school for training drivers that is licensed in this State; and (3) is conducted by a person who is licensed in this State as an instructor for a school for training drivers. **Section 2** also requires the Department to place a list of approved courses on the Internet website of the Department. **Sections 6-10** 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 483 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Any person who is operating a motor vehicle while holding an instruction permit or a restricted instruction permit issued pursuant to NRS 483.280 must display in the rear window of the motor vehicle a placard that indicates the driver of the motor vehicle possesses only an instruction permit.~~

~~2. Except as otherwise provided in subsection 3, any person who is operating a motor vehicle while holding a driver's license must display, for 6 months after the initial issuance of the driver's license, in the rear window of the motor vehicle a placard that indicates the driver of the motor vehicle is a new driver.~~

~~3. The provisions of subsection 2 do not apply to the holder of a driver's license who, before obtaining a driver's license in this State, held a driver's license in another jurisdiction for not less than 6 months.~~

~~4. The Director shall order the preparation of placards which meet the requirements of this section and which:~~

~~(a) Can be displayed in the rear window of a vehicle without impairing the ability of the driver to see out of the rear window; and~~

~~(b) Are distinct in appearance from a special parking placard issued pursuant to NRS 482.384.~~

~~5. The Department shall provide an appropriate placard at the time of issuance of an instruction permit, a restricted instruction permit or a driver's license to any person who is required by the provisions of this section to display such a placard.] (Deleted by amendment.)~~

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall approve a hands-on course in defensive driving for the purposes of NRS 483.2521 ~~[, 483.290 and 483.291]~~ if the course:

(a) Includes instruction in the theory and practical applications of defensive driving;

(b) Requires a person taking the course to practice defensive driving skills and maneuvers, including, without limitation, emergency avoidance and response techniques;

(c) Is provided by a school for training drivers that meets the requirements of this section and NRS 483.700 to 483.780, inclusive; ~~f, and section 2 of this act;~~ and

(d) Is conducted by a person who holds a license as an instructor for a school for training drivers and who meets the requirements of this section and NRS 483.700 to 483.780, inclusive. ~~f, and section 2 of this act.~~

2. The Department shall maintain on the Internet website of the Department a list of hands-on courses in defensive driving that are approved pursuant to this section. The list must identify those courses which are provided for free. In the event that no such free courses are available, the Internet website must provide notice of that fact.

3. The Department may adopt regulations to carry out the provisions of this section.

Sec. 3. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection ~~3,~~ **4,** the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, **and section 2 of this act** and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

~~(b) Submits to the Department proof that the person has successfully completed a course in defensive driving that has been approved by the Department pursuant to section 2 of this act;~~

~~(c) Has~~ **Except as otherwise provided in subsection 3, has** at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

~~(c) Has~~ Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

↳ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a), ~~and~~ (b), ~~f,~~ **and** (c);

(d) ~~[(e)]~~ Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) ~~[(f)]~~ Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) ~~[(g)]~~ Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) ~~[(h)]~~ Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) ~~for (b)]~~ of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) ~~[(c)]~~ of subsection 1.

3. **In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed a hands-on course in defensive driving that has been approved by the Department pursuant to section 2 of this act.**

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) ~~[(e)]~~ to (g) ~~[(h)]~~ inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection ~~4,~~ 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

~~[4-] 5.~~ 5. If a course described in paragraph (a) of subsection ~~[3-] 4~~ is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection ~~[3-] 4~~.

Sec. 4. ~~[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.~~

~~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. **An application for a driver's license from a person who is less than 21 years of age must be accompanied by proof that the applicant has successfully completed a course in defensive driving that has been approved by the Department pursuant to section 2 of this act.**~~

~~6. 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.] 7. 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.] 8. 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.] 9. 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.] 10. 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.] (Deleted by amendment.)~~

Sec. 5. ~~[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. An application for a driver authorization card from a person who is less than 21 years of age must be accompanied by proof that the applicant has successfully completed a course in defensive driving that has been approved by the Department pursuant to section 2 of this act.~~

~~5. Except as otherwise provided in subsection [5.] 6, 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.] 6; and~~

~~—(c) Be numbered from the same sequence of numbers as a driver's license.~~

~~[5.] 6. 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.] 7. Notwithstanding the provisions of NRS 483.380, 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.~~

~~—(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.] 8. 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.] 9. 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. **(Deleted by amendment.)**~~

Sec. 6. NRS 483.700 is hereby amended to read as follows:

483.700 No person may operate a school for training drivers, or engage in the business of giving instruction for hire in driving motor vehicles or in the preparation of an applicant for an examination given by the Department for a driver's license, unless the person has secured a license therefor from the Department as provided in NRS 483.700 to 483.780, inclusive ~~††~~, **and section 2 of this act.**

Sec. 7. NRS 483.725 is hereby amended to read as follows:

483.725 1. ~~Each~~ **Except as otherwise provided in section 2 of this act, each** course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, **and section 2 of this act** must include, without limitation, instruction in:

- (a) Motor vehicle insurance.
- (b) The effect of drugs and alcohol on an operator of a motor vehicle.

2. If a course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, **and section 2 of this act** consists in whole or in part of classroom instruction, that part of the course which consists of classroom instruction may be taught interactively through the use of communications technology so that persons taking the course need not be physically present in a classroom.

3. The Department shall adopt regulations to carry out the provisions of subsection 2. The regulations must include, without limitation:

- (a) Provisions for the licensing and operation of interactive courses that use communications technology;
- (b) Provisions to ensure that interactive courses which use communications technology are secure, reliable and include measures for testing and security that are at least as secure as the measures for testing and security which would be available in an ordinary classroom; and
- (c) Standards to ensure that interactive courses which use communications technology offer a curriculum that is at least as stringent as the curriculum which would be available in an ordinary classroom.

4. As used in this section, "communications technology" means any method or component, or both, that is used by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, **and section 2 of this act** to carry out or facilitate the transmission of information, including, without limitation, the transmission and reception of information by:

- (a) Systems based on the following technologies:
 - (1) Video;
 - (2) Wire;
 - (3) Cable;
 - (4) Radio;
 - (5) Microwave;
 - (6) Light; or
 - (7) Optics; and

(b) Computer data networks, including, without limitation, the Internet or its successor, if any, and intranet services.

Sec. 8. NRS 483.760 is hereby amended to read as follows:

483.760 The Department may refuse to issue a license or may cancel, suspend, revoke or refuse to renew any license granted pursuant to NRS 483.700 to 483.780, inclusive ~~†~~, **and section 2 of this act:**

1. If the applicant or licensee makes a material misstatement on an application.

2. If the applicant or licensee fails or refuses to provide any information requested by the Department in conjunction with an application.

3. If the applicant has been convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive ~~†~~, **and section 2 of this act.**

4. If the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department or induces or countenances fraud or fraudulent practices on the part of any applicant for driver's license.

5. If the licensee fails to comply with or is convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive, **and section 2 of this act** or any of the regulations or requirements of the Department made pursuant thereto.

6. If the licensee or any employee or agent of the licensee solicits persons for enrollment in a school for training drivers in an office of the Department or within 200 feet of any such office.

7. If the licensee or any employee or agent of the licensee follows the identical course of training which is used by the Department in giving an examination for a driver's license.

Sec. 9. NRS 483.767 is hereby amended to read as follows:

483.767 1. The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 483.700 to 483.780, inclusive, **and section 2 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 to the credit of the State Highway Fund.

3. In addition to any other remedy provided by NRS 483.700 to 483.780, inclusive, **and section 2 of this act**, the Department may compel compliance with any provision of NRS 483.700 to 483.780, inclusive, **and section 2 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.

Sec. 10. NRS 483.780 is hereby amended to read as follows:

483.780 The Department shall charge annually the following fees for licenses issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive ~~†~~, **and section 2 of this act:**

License for a school for training drivers.....	\$50
License for a driving instructor	10
License for a school, an agency or a business that provides an educational course on the abuse of alcohol and controlled substances.....	250
License for an instructor of an educational course on the abuse of alcohol and controlled substances.....	50
License for a school for traffic safety.....	250
License for an instructor of traffic safety	50

Sec. 10.5. NRS 486.071 is hereby amended to read as follows:

486.071 1. Except as otherwise provided in subsection 3 and NRS 486.161, the Department shall not issue a motorcycle driver’s license unless the applicant:

- (a) Is at least 18 years of age; and
- (b) Has successfully completed:
 - (1) Except as otherwise provided in subsection 2, such written examinations and driving tests as may be required by the Department; or
 - (2) A course of motorcycle safety approved by the Department.

2. A holder of an instruction permit issued pursuant to subsection 4 or 5 of NRS 483.280 who applies to the Department for a motorcycle driver’s license pursuant to subsection 1 is not required to successfully complete the written examinations required pursuant to subparagraph (1) of paragraph (b) of subsection 1 if the holder of the permit:

- (a) Is at least 18 years of age;
- (b) Has held the instruction permit for not less than 6 months; and
- (c) The instruction permit expired not more than 30 days before the date of application for a motorcycle driver’s license.

3. The Department shall not issue a motorcycle driver’s license to an applicant who is at least 16 years of age but is less than 18 years of age unless the applicant:

- (a) Meets the requirements of subsection ~~3~~ 4 of NRS 483.2521; and
- (b) Has successfully completed such written examinations and driving tests as may be required by the Department.

4. Except as otherwise provided in subsection ~~3~~ 4 of NRS 483.2521, any person who has been issued a driver’s license pursuant to chapter 483 of NRS without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

- (a) A driving test conducted by the Department; or
- (b) A course of motorcycle safety approved by the Department,

↪ and have the authority endorsed upon the license.

~~Sec. 11. ~~11~~ The requirements of section 1 of this act do not apply to any person who holds:~~

~~— (a) An instruction permit or a restricted instruction permit issued pursuant to NRS 483.280;~~

~~— (b) A driver's license; or~~

~~— (c) A driver authorization card;~~

~~issued before the effective date of this act.~~

~~2. The~~ amendatory provisions of sections 3 to ~~10,~~ **10.5**, inclusive, of this act do not apply to a person who applies for a driver's license ~~for a driver authorization card,~~ **pursuant to NRS 483.2521** before July 1, ~~2019,~~ **2020**.

Sec. 12. 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 July 1, ~~2019,~~ 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. 344.

Bill read second time.

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

Amendment No. 350.

AN ACT relating to utilities; ~~prohibiting a political subdivision of this State from discriminating against or preventing certain uses of a telecommunication system or cable television system under certain circumstances;~~ requiring a political subdivision of this State to allow the **construction**, installation, maintenance, operation, **repair** and replacement of micro wireless facilities under certain circumstances; affirming the authority of political subdivisions of this State to exercise certain powers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 7 of this bill prohibits a political subdivision of this State from discriminating against or preventing certain uses of a telecommunication system or cable television system in the public rights of way by a telecommunication provider or a wireless infrastructure provider if the provider complies with applicable federal and state requirements.]~~

Section 8 of this bill requires a political subdivision of this State to allow a ~~telecommunication provider or a wireless infrastructure~~ **video service** provider, or an affiliate thereof, to **construct**, install, place, maintain, operate, **repair** or replace micro wireless facilities on ~~certain cables owned by~~ **the video service network of** the provider, ~~for affiliate under the provisions of a franchise which was granted to the provider or affiliate, as applicable.~~

~~Section 9 of this bill.~~ **Section 8 also requires a video service provider to install a switch near certain locations where radio antennas are mounted on strand of the provider to allow the disconnection of power from the antenna. Finally, section 8** provides that ~~the~~ **these** provisions ~~of this bill~~ do not otherwise ~~[- (1)]~~ limit the authority of a ~~political subdivision of this State~~ **local government** to license telecommunication providers and establish certain conditions on such licenses ~~[-]; or (2) affect the authority of a political subdivision to manage the public rights of way or exercise its police powers and land use powers.]~~

Existing law authorizes a local government to impose a franchise fee on video service providers. (NRS 711.670) Section 12 of this bill provides that: (1) such a fee is in lieu of any recurring rental charge that may be imposed by a political subdivision of this State on a video service provider or an affiliate thereof for the use of a public right-of-way or highway by a micro wireless facility installed by the provider or affiliate; and (2) the provisions of NRS 711.670 do not otherwise restrict the right of a local government to impose certain other fees on an affiliate.

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

Section 1. Chapter ~~707~~ **711** of NRS is hereby amended by adding thereto the provisions set forth as sections ~~12 to 9, inclusive,~~ **3, 4 and 8** 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 to 6, inclusive, of this act have the meanings ascribed to them in those sections.]~~
(Deleted by amendment.)

Sec. 3. “Affiliate” means ~~a person or~~ an entity that ~~[-, directly].~~ :

1. Holds a certificate of public convenience and necessity from the Public Utilities Commission of Nevada; and

2. Directly or indirectly through one or more intermediaries, ~~owns, controls,~~ is wholly owned or controlled by, or is under common ~~ownership or~~ control ~~with another person or entity,~~ of a holder of a certificate of authority.

Sec. 4. “Micro wireless facility” means a ~~small~~ wireless telecommunications facility that:

1. Is not larger in dimension than 36 inches in length, 22 inches in width and 12 inches in height; ~~and~~

2. Does not have an exterior antenna which is longer than 11 1/2 inches ~~[-]; and~~

3. Is installed directly on a video service network that is owned by a video service provider.

Sec. 5. ~~“Small wireless facility” means a wireless facility that meets the following qualifications:~~

~~1. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than 6 cubic feet; and~~

~~2. All other wireless equipment associated with the facility has a cumulative volume of not more than 28 cubic feet or such higher limit as is established by the Federal Communications Commission.] (Deleted by amendment.)~~

Sec. 6. ~~["Wireless infrastructure provider" means any person who:~~

~~1. Is authorized to provide telecommunication service in this State; or~~

~~2. Builds or installs:~~

~~(a) Transmission equipment;~~

~~(b) Wireless facilities; or~~

~~(c) Micro wireless facilities or structures.~~

~~The term does not include a provider of wireless services.] (Deleted by amendment.)~~

Sec. 7. ~~[A political subdivision of this State may not:~~

~~1. Discriminate against a telecommunication provider or a wireless infrastructure provider in the use of a telecommunication system or cable television system; or~~

~~2. Prevent a telecommunication provider or a wireless infrastructure provider from using a telecommunication system or cable television system,~~

~~in the public rights of way to provide services other than telecommunication service if the telecommunication provider or wireless infrastructure provider, as~~

~~applicable, complies with applicable federal and state requirements.] (Deleted by amendment.)~~

Sec. 8. 1. ~~A political subdivision of this State shall allow a [telecommunication provider or a wireless infrastructure] video service provider, or an affiliate of such a provider, to construct, install, place, maintain, operate, repair or replace one or more micro wireless facilities on [cables that are strung between utility poles and owned by] the video service network of the provider, or affiliate, as applicable, under the provisions of a franchise which was granted to the provider or affiliate, as applicable, to provide telecommunication service or cable television service.]~~

2. ~~The construction, installation, placement, maintenance, operation, repair or replacement of a micro wireless facility which is allowed pursuant to subsection 1 must be performed in compliance with the National Electrical Safety Code [and] the certificate of authority which was granted to the video service provider.~~

3. ~~A video service provider shall install a switch at a pole near each location where a radio antenna is mounted on strand of the provider to allow the disconnection of power from the antenna.~~

4. ~~The provisions of this section do not limit the authority of a local government to:~~

~~(a) License telecommunications providers; or~~

~~(b) Establish conditions on those licenses that are:~~

~~(1) Competitively neutral and nondiscriminatory; and~~

~~(2) Consistent with federal and state law.~~

~~Sec. 9. The provisions of sections 2 to 9, inclusive, of this act do not:~~

~~1. Limit the authority of a political subdivision of this State to:~~

~~(a) License telecommunication providers; or~~

~~(b) Establish conditions on those licenses that are:~~

~~(1) Competitively neutral and nondiscriminatory; and~~

~~(2) Consistent with federal and state law.~~

~~2. Affect the authority of a political subdivision of this State to:~~

~~(a) Manage the public rights of way within its boundaries; or~~

~~(b) Exercise its police powers and land use powers. (Deleted by amendment.)~~

Sec. 10. NRS 711.020 is hereby amended to read as follows:

711.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 711.022 to 711.151, inclusive, and sections 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 711.640 is hereby amended to read as follows:

711.640 1. A local government shall not require a video service provider to place its facilities in ducts or conduits or on poles owned or leased by the local government.

2. A local government shall manage the use of any public right-of-way or highway by video service providers in a manner that:

(a) Is consistent with federal and state law and the lawful police powers of the local government; and

(b) Is competitively neutral and does not:

(1) Discriminate among video service providers; or

(2) Discriminate between video service providers and any other users of the public right-of-way or highway for the construction and operation of facilities.

3. In managing any public right-of-way or highway, a local government may:

(a) Require a video service provider or affiliate that is constructing, installing, working within, maintaining or repairing facilities in, on, under or over any public right-of-way or highway to obtain a construction, encroachment or occupancy permit or license for such work; and

(b) Inspect the construction, installation, maintenance or repair work performed on such facilities.

4. If a video service provider makes a request for such a permit or license, the local government shall act upon the request not later than 10 business days after the date on which the request is made.

5. A local government may charge a video service provider a fee to issue such a permit or license or to perform any inspection authorized by this section. The amount of any fee charged by a local government pursuant to this

subsection may not exceed the actual costs incurred by the local government in administering the process of issuing such permits or licenses and performing such inspections.

6. If there is a situation necessitating emergency response work or repair in, on, under or over any public right-of-way or highway, a video service provider may begin that work or repair without prior approval from a local government if the provider notifies the local government as promptly as reasonably possible after learning of the need for that work or repair.

Sec. 12. NRS 711.670 is hereby amended to read as follows:

711.670 1. For the privilege of providing video service through a video service network that occupies or uses, in whole or in part, any public right-of-way or highway within the jurisdiction of a local government, the local government may require a video service provider to pay a franchise fee to the local government based on the gross revenue that the provider receives from its subscribers within the jurisdiction of the local government.

2. To require the payment of the franchise fee, the governing body of the local government must adopt a nondiscriminatory ordinance or resolution that imposes the franchise fee equally and uniformly on all video service providers operating within the jurisdiction of the local government.

3. The local government shall not require a video service provider to pay a franchise fee for any year in a total amount that exceeds 5 percent of the gross revenue that the provider received during that year from its subscribers within the jurisdiction of the local government.

4. The entire amount of the franchise fee must be paid by a video service provider directly to the local government in legal tender of the United States or in a check, draft or note that is payable in legal tender of the United States.

5. A video service provider may:

(a) Pass the franchise fee through to and collect the franchise fee from its subscribers within the jurisdiction of the local government based on the gross revenue received from each such subscriber; and

(b) Designate the amount of the franchise fee collected from each subscriber as a separate line item on the subscriber's bill.

6. Except as otherwise provided in subsection 7, the franchise fee authorized by this section:

(a) Is the only fee, tax, assessment or other charge that a local government may impose on a video service provider for the privilege of providing video service or constructing or operating a video service network within the jurisdiction of the local government; ~~and~~

(b) Is in lieu of any other fee, tax, assessment or charge that may be imposed by a local government on a video service provider for its occupation or use of any public right-of-way or highway; ~~and~~ **and**

(c) Is in lieu of any recurring rental charge that may be imposed by a political subdivision of this State on a video service provider or an affiliate of such a provider for the occupation or use of any public right-of-way or

highway by a micro wireless facility installed by the provider or affiliate pursuant to section 8 of this act.

7. This section does not restrict the right of a local government to impose on a video service provider ~~+~~ **or an affiliate:**

- (a) The fees authorized by subsection 5 of NRS 711.640; and
- (b) Any generally applicable and nondiscriminatory fees, ad valorem taxes, sales taxes or other taxes that are lawfully imposed on other businesses within the jurisdiction of the local government.

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. 347.

Bill read second time.

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

Amendment No. 236.

AN ACT relating to business associations; revising provisions relating to the reinstatement of certain business associations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires business associations organized under the laws of this State to annually file certain information and pay certain filing fees to avoid default and the forfeiture of its right to transact business in this State. Existing law requires the Secretary of State to reinstate a business association that is in default if the business association files certain additional information and pays certain fees and penalties to the Secretary of State. (NRS 78.180, 80.170, 82.5237, 84.150, 86.276, 86.5467, 87.530, 87.5435, 87A.310, 87A.595, 88.410, 88.594, 88A.650, 88A.737, 89.256)

~~Sections 1-15~~ **Existing law authorizes a business to be certified as a local emerging small business if the business meets certain requirements. (NRS 231.1405) Section 15.5 of this bill ~~require~~ requires the Secretary of State to reinstate a local emerging small business ~~association~~ within 5 years of when the local emerging small business's right to transact business was revoked if the local emerging small business ~~association~~: (1) files such additional information; and (2) pays at least 25% of the required fees and penalties. If a local emerging small business ~~association~~ fails to pay the entire amount of fees and penalties owed for its reinstatement, ~~sections 1-15 require~~ section 15.5 requires the local emerging small business ~~association~~ to enter into a payment plan with the Secretary of State to pay the remaining balance of its delinquent fees and penalties ~~+~~ within 1 year. Section 15.5 further requires the Secretary of State to revoke a local emerging small business's right to transact business if the local emerging small business**

fails to comply with the payment plan. Sections 1-15 and 15.7 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 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 78.152, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the corporation its right to carry on business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

- (1) The list required by NRS 78.150;
- (2) The statement required by NRS 78.153, if applicable;
- (3) The information required pursuant to NRS 77.310; and
- (4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly elected board of directors of the corporation or, if the corporation does not have a board of directors, the equivalent of such a board; and

(b) ~~Pays~~ **Except as otherwise provided in section 15.5 of this act, pays** to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties;~~

- (1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner;
- (2) The fee set forth in NRS 78.153, if applicable; and
- (3) A fee of \$300 for reinstatement.

2. ~~If the corporation fails to pay the entirety of the fees and penalties prescribed in subsection 1, the corporation shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the corporation, the Secretary of State shall issue to the corporation a certificate of reinstatement if the corporation:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to subsection 7 of NRS 78.785.

3. ~~4.~~ ~~The~~ **Except as otherwise provided in section 15.5 of this act, the** Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the corporation pursuant to subsection 1;~~

~~(b) The corporation entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~[(c) The]~~ revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. ~~5.]~~ If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

5. ~~6.]~~ Except as otherwise provided in NRS 78.185, a reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 2. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4 ~~for 5]~~ or NRS 80.113, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

- (1) The list as provided in NRS 80.110 and 80.140;
- (2) The statement required by NRS 80.115, if applicable;
- (3) The information required pursuant to NRS 77.310; and
- (4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly elected board of directors of the foreign corporation or, if the foreign corporation does not have a board of directors, the equivalent of such a board; and

(b) ~~Pays]~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~: [at least 25 percent of the total amount of the following fees and penalties:]~~

- (1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited;
- (2) The fee set forth in NRS 80.115, if applicable; and
- (3) A fee of \$300 for reinstatement.

~~2. [If the corporation fails to pay the entirety of the fees and penalties prescribed in subsection 1, the corporation shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~—3.]~~ When the Secretary of State reinstates the corporation, the Secretary of State shall issue to the corporation a certificate of reinstatement if the corporation:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to subsection 7 of NRS 78.785.

3. ~~4.—The]~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~[~~

~~—(a) At least 25 percent of the] delinquent fees and penalties have been paid [by the corporation pursuant to subsection 1;~~

~~(b) The corporation entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~[(c) The]~~ revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. ~~5.]~~ If the right of a corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

5. ~~6.]~~ Except as otherwise provided in NRS 80.175, a reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 3. NRS 82.5237 is hereby amended to read as follows:

82.5237 1. Except as otherwise provided in subsections 3 and 4 ~~and 5]~~ and NRS 82.183, the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of NRS 82.523 to 82.524, inclusive, and restore to the foreign nonprofit corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) A list as provided in NRS 82.523; and

(2) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly elected board of directors of the foreign nonprofit corporation or, if the foreign nonprofit corporation does not have a board of directors, the equivalent of such a board; and

(b) ~~Pays]~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties:]~~

(1) The filing fee and penalty set forth in NRS 82.523 and 82.5235 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of \$100 for reinstatement.

~~2. If the foreign nonprofit corporation fails to pay the entirety of the fees and penalties prescribed in subsection 1, the foreign nonprofit corporation shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.]~~ When the Secretary of State reinstates the foreign nonprofit corporation, the Secretary of State shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection 7 of NRS 78.785.

3. ~~4. The]~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the foreign nonprofit corporation pursuant to subsection 1,~~

~~(b) The foreign nonprofit corporation entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable,~~ and the

~~(c) The~~ revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. ~~15.1~~ If the right of a foreign nonprofit corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. ~~16.1~~ Except as otherwise provided in NRS 82.5239, a reinstatement pursuant to this section relates back to the date on which the foreign nonprofit corporation forfeited its right to transact business under the provisions of this chapter and reinstates the foreign nonprofit corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 4. NRS 84.150 is hereby amended to read as follows:

84.150 1. Except as otherwise provided in subsections 3 and 4, ~~and 5,~~ the Secretary of State shall reinstate any corporation sole which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The information required pursuant to NRS 77.310; and

(2) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or member of the clergy of a church or religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination, and in whom is vested the legal title to property held for the purposes, use or benefit of the church or religious society or denomination; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State the: ~~[at least 25 percent of the total amount of the following fees and penalties:]~~

(1) Filing fees and penalties set forth in this chapter for each year or portion thereof during which its charter has been revoked; and

(2) Fee for reinstatement set forth in paragraph (c) of subsection 2 of NRS 84.110.

2. ~~If the corporation fails to pay the entirety of the fees and penalties prescribed in subsection 1, the corporation shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.1~~ When the Secretary of State reinstates the corporation to its former rights, the Secretary of State shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and

(b) Upon demand, issue to the corporation a certified copy of the certificate of reinstatement.

3. ~~4.~~ ~~The~~ **Except as otherwise provided in section 15.5 of this act, the** Secretary of State shall not order a reinstatement unless all ~~fees~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the corporation pursuant to subsection 1;~~

~~(b) The corporation has entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~(c) The~~ revocation of its charter occurred only by reason of its failure to pay the fees and penalties.

4. ~~5.1~~ If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for 10 consecutive years, the charter must not be reinstated.

5. ~~6.1~~ A reinstatement pursuant to this section relates back to the date on which the corporation forfeited its right to transact business under the provisions of this chapter and reinstates the corporation's right to transact business as if such right had at all times remained in full force and effect.

Sec. 5. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 86.246, the Secretary of State shall reinstate any limited-liability company which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the company its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.263;

(2) The statement required by NRS 86.264, if applicable;

(3) The information required pursuant to NRS 77.310; and

(4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected manager or managers of the limited-liability company or, if there are no managers, its managing members; and

(b) ~~Pays~~ **Except as otherwise provided in section 15.5 of this act, pays** to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties;~~

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed to file in a timely manner each required annual list;

(2) The fee set forth in NRS 86.264, if applicable; and

(3) A fee of \$300 for reinstatement.

2. ~~[[If the limited liability company fails to pay the entirety of the fees and penalties prescribed in subsection 1, the limited liability company shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.]~~ When the Secretary of State reinstates the limited-liability company, the Secretary of State shall issue to the company a certificate of reinstatement if the limited-liability company:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 86.561.

3. ~~4.]~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the] delinquent fees and penalties have been paid [by the limited liability company pursuant to subsection 1;~~

~~(b) The limited liability company entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;]~~ and the

~~(c) The] revocation of the charter occurred only by reason of failure to pay the fees and penalties.~~

4. ~~5.]~~ If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

5. ~~6.]~~ Except as otherwise provided in NRS 86.278, a reinstatement pursuant to this section relates back to the date on which the company forfeited its right to transact business under the provisions of this chapter and reinstates the company's right to transact business as if such right had at all times remained in full force and effect.

Sec. 6. NRS 86.5467 is hereby amended to read as follows:

86.5467 1. Except as otherwise provided in subsections 3 and 4 ~~[and 5]~~ and NRS 86.54615, the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

- (1) The list required by NRS 86.5461;
- (2) The statement required by NRS 86.5462, if applicable;
- (3) The information required pursuant to NRS 77.310; and

(4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected manager or managers of the foreign limited-liability company or, if there are no managers, its managing members; and

(b) ~~[Pays]~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State at least 25 percent of the total amount of the following fees and penalties:]

(1) The filing fee and penalty set forth in NRS 86.5461 and 86.5465 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 86.5462, if applicable; and

(3) A fee of \$300 for reinstatement.

~~2. If the foreign limited liability company fails to pay the entirety of the fees and penalties prescribed in subsection 1, the foreign limited liability company shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.1~~ When the Secretary of State reinstates the foreign limited-liability company, the Secretary of State shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

~~3.14.~~ 3.14. ~~The~~ *Except as otherwise provided in section 15.5 of this act, the* Secretary of State shall not order a reinstatement unless all ~~fe~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~[by the foreign limited liability company pursuant to subsection 1;~~

~~(b) The foreign limited liability company entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;]~~ and the

~~(c) The~~ revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

~~4.15.1~~ 4.15.1 If the right of a foreign limited-liability company to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

~~5.16.1~~ 5.16.1 Except as otherwise provided in NRS 86.5468, a reinstatement pursuant to this section relates back to the date on which the foreign limited-liability company forfeited its right to transact business under the provisions of this chapter and reinstates the foreign limited-liability company's right to transact business as if such right had at all times remained in full force and effect.

Sec. 7. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection ~~3.14~~ 3.14 and NRS 87.515, the Secretary of State shall reinstate the certificate of registration of a registered limited-liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State:

(1) The information required by NRS 87.510;

(2) The information required pursuant to NRS 77.310; and

(3) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected managing partners of the registered limited-liability partnership.

(b) ~~{Pays}~~ **Except as otherwise provided in section 15.5 of this act, pays** to the Secretary of State ~~;~~ **at least 25 percent of the total amount of the following fees and penalties:**

- (1) The fee required to be paid pursuant to NRS 87.510;
- (2) Any penalty required to be paid pursuant to NRS 87.520; and
- (3) A reinstatement fee of \$300.

2. ~~**If the registered limited liability partnership fails to pay the entirety of the fees and penalties prescribed in subsection 1, the registered limited liability partnership shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.**~~

~~3.7~~ When the Secretary of State reinstates the registered limited-liability partnership, the Secretary of State shall issue to the registered limited-liability partnership a certificate of reinstatement if the registered limited-liability partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 87.550.

~~3. ~~4.7~~~~ The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to the provisions of this chapter at least 5 years before the date of the proposed reinstatement.

~~4. ~~5.7~~~~ Except as otherwise provided in NRS 87.455, a reinstatement pursuant to this section relates back to the date on which the registered limited-liability partnership's certificate of registration was revoked and reinstates the registered limited-liability's certificate of registration as if such certificate had at all times remained in full force and effect.

Sec. 8. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections ~~3 and 4~~ ~~and 5~~ and NRS 87.5413, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

- (1) The list required by NRS 87.541;
- (2) The information required pursuant to NRS 77.310; and
- (3) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected managing partners of the foreign registered limited-liability partnership; and

(b) ~~{Pays}~~ **Except as otherwise provided in section 15.5 of this act, pays** to the Secretary of State ~~;~~ **at least 25 percent of the total amount of the following fees and penalties:**

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of \$300 for reinstatement.

2. ~~[[If the foreign registered limited liability partnership fails to pay the entirety of the fees and penalties prescribed in subsection 1, the foreign registered limited liability partnership shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.]~~ When the Secretary of State reinstates the foreign registered limited-liability partnership, the Secretary of State shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 87.550.

3. ~~4.~~ ~~The] Except as otherwise provided in section 15.5 of this act, the~~ Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the] delinquent fees and penalties have been paid [by the foreign registered limited liability partnership pursuant to subsection 1]~~

~~(b) The foreign registered limited liability partnership entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;]~~ and the

~~(c) The] revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.~~

4. ~~5.]~~ If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. ~~6.]~~ Except as otherwise provided in NRS 87.544, a reinstatement pursuant to this section relates back to the date on which the foreign registered limited-liability partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign registered limited-liability partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 9. NRS 87A.310 is hereby amended to read as follows:

87A.310 1. Except as otherwise provided in subsections 3 and 4 ~~and 5]~~ and NRS 87A.200, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

- (1) The list required pursuant to NRS 87A.290;
- (2) The statement required by NRS 87A.295, if applicable;
- (3) The information required pursuant to NRS 77.310; and
- (4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent

jurisdiction in this State or by the duly selected general partners of the limited partnership; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~; [at least 25 percent of the total amount of the following fees and penalties:]~~

- (1) The filing fee and penalty set forth in NRS 87A.290 and 87A.300 for each year or portion thereof during which the certificate has been revoked;
- (2) The fee set forth in NRS 87A.295, if applicable; and
- (3) A fee of \$300 for reinstatement.

2. ~~If the limited partnership fails to pay the entirety of the fees and penalties prescribed in subsection 1, the limited partnership shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the limited partnership, the Secretary of State shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 87A.315.

~~3.~~ ~~4.~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the limited partnership pursuant to subsection 1;~~

~~(b) The limited partnership entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~(c) The~~ revocation occurred only by reason of failure to pay the fees and penalties.

~~4.~~ ~~5.~~ If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

~~5.~~ ~~6.~~ If a limited partnership's certificate is reinstated pursuant to this section, the reinstatement relates back to and takes effect on the effective date of the revocation, and the limited partnership's status as a limited partnership continues as if the revocation had never occurred.

Sec. 10. NRS 87A.595 is hereby amended to read as follows:

87A.595 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 87A.580, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

- (a) Files with the Secretary of State:
 - (1) The list required by NRS 87A.560;
 - (2) The statement required by NRS 87A.565, if applicable;
 - (3) The information required pursuant to NRS 77.310; and

(4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected general partners of the foreign limited partnership; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties;~~

(1) The filing fee and penalty set forth in NRS 87A.560 and 87A.585 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 87A.565, if applicable; and

(3) A fee of \$300 for reinstatement.

~~2. If the foreign limited partnership fails to pay the entirety of the fees and penalties prescribed in subsection 1, the foreign limited partnership shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the foreign limited partnership, the Secretary of State shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87A.315.

~~3.~~ 4. ~~The~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the foreign limited partnership;~~

~~(b) The foreign limited partnership entered into a payment plan with the Secretary of State, if applicable;~~ and the

~~(c) The~~ revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

~~4.~~ 5. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

~~5.~~ 6. A reinstatement pursuant to this section relates back to the date on which the foreign limited partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign limited partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 11. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 88.3355, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list required pursuant to NRS 88.395;

- (2) The statement required by NRS 88.397, if applicable;
- (3) The information required pursuant to NRS 77.310; and
- (4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected general partners of the limited partnership; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties:~~

- (1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked;
- (2) The fee set forth in NRS 88.397, if applicable; and
- (3) A fee of \$300 for reinstatement.

2. ~~If the limited partnership fails to pay the entirety of the fees and penalties prescribed in subsection 1, the limited partnership shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the limited partnership, the Secretary of State shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 88.415.

~~3.~~ ~~4.~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the limited partnership pursuant to subsection 1;~~

~~(b) The limited partnership entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~(c) The~~ revocation occurred only by reason of failure to pay the fees and penalties.

~~4.~~ ~~5.~~ If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

~~5.~~ ~~6.~~ Except as otherwise provided in NRS 88.327, a reinstatement pursuant to this section relates back to the date on which the limited partnership forfeited its right to transact business under the provisions of this chapter and reinstates the limited partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 12. NRS 88.594 is hereby amended to read as follows:

88.594 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 88.5927, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

- (1) The list required by NRS 88.591;
- (2) The statement required by NRS 88.5915, if applicable;
- (3) The information required pursuant to NRS 77.310; and
- (4) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected general partners of the foreign limited partnership; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~;~~ at least 25 percent of the total amount of the following fees and penalties:

- (1) The filing fee and penalty set forth in NRS 88.591 and 88.593 for each year or portion thereof that its right to transact business was forfeited;
- (2) The fee set forth in NRS 88.5915, if applicable; and
- (3) A fee of \$300 for reinstatement.

~~2. If the foreign limited partnership fails to pay the entirety of the fees and penalties prescribed in subsection 1, the foreign limited partnership shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the foreign limited partnership, the Secretary of State shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 88.415.

~~3. 4.~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the foreign limited partnership pursuant to subsection 1;~~

~~(b) The foreign limited partnership entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~(c) The~~ revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

~~4. 5.~~ If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

~~5. 6.~~ Except as otherwise provided in NRS 88.5945, a reinstatement pursuant to this section relates back to the date on which the foreign limited partnership forfeited its right to transact business under the provisions of this chapter and reinstates the foreign limited partnership's right to transact business as if such right had at all times remained in full force and effect.

Sec. 13. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 88A.345, the Secretary of State shall reinstate a business trust which has forfeited or which forfeits its right to transact business pursuant to the

provisions of this chapter and shall restore to the business trust its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.600;

(2) The information required pursuant to NRS 77.310; and

(3) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected trustees of the business trust; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties:~~

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of \$300 for reinstatement.

~~2. If the business trust fails to pay the entirety of the fees and penalties prescribed in subsection 1, the business trust shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the business trust, the Secretary of State shall issue to the business trust a certificate of reinstatement if the business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

~~3.~~ 4. ~~The~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the business trust pursuant to subsection 1;~~

~~(b) The business trust entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~(c) The~~ revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

~~4.~~ 5. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

~~5.~~ 6. Except as otherwise provided in NRS 88A.660, a reinstatement pursuant to this section relates back to the date on which the business trust forfeited its right to transact business under the provisions of this chapter and reinstates the business trust's right to transact business as if such right had at all times remained in full force and effect.

Sec. 14. NRS 88A.737 is hereby amended to read as follows:

88A.737 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 88A.7345, the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under

the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88A.732;

(2) The information required pursuant to NRS 77.310; and

(3) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected trustees of the foreign business trust; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties:~~

(1) The filing fee and penalty set forth in NRS 88A.732 and 88A.735 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of \$300 for reinstatement.

2. ~~If the foreign business trust fails to pay the entirety of the fees and penalties prescribed in subsection 1, the foreign business trust shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the foreign business trust, the Secretary of State shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

~~3.~~ ~~4.~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the foreign business trust pursuant to subsection 1;~~

~~(b) The foreign business trust entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~(c) The~~ revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. ~~5.~~ If the right of a foreign business trust to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

5. ~~6.~~ Except as otherwise provided in NRS 88A.738, a reinstatement pursuant to this section relates back to the date the foreign business trust forfeited its right to transact business under the provisions of this chapter and reinstates the foreign business trust's right to transact business as if such right had at all times remained in full force and effect.

Sec. 15. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4 ~~and 5~~ and NRS 89.251, the Secretary of State shall reinstate any professional

association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list and certification required by NRS 89.250;

(2) The information required pursuant to NRS 77.310; and

(3) A declaration under penalty of perjury, on a form provided by the Secretary of State, that the reinstatement is authorized by a court of competent jurisdiction in this State or by the duly selected chief executive officer of the professional association; and

(b) ~~Pays~~ Except as otherwise provided in section 15.5 of this act, pays to the Secretary of State ~~at least 25 percent of the total amount of the following fees and penalties:~~

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of \$300 for reinstatement.

~~2. If the professional association fails to pay the entirety of the fees and penalties pursuant to subsection 1, the professional association shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments.~~

~~3.~~ When the Secretary of State reinstates the professional association, the Secretary of State shall issue to the professional association a certificate of reinstatement if the professional association:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection 7 of NRS 78.785.

~~3.~~ ~~4.~~ Except as otherwise provided in section 15.5 of this act, the Secretary of State shall not order a reinstatement unless all ~~the~~

~~(a) At least 25 percent of the~~ delinquent fees and penalties have been paid ~~by the professional association pursuant to subsection 1;~~

~~(b) The professional association entered into a payment plan with the Secretary of State pursuant to subsection 2, if applicable;~~ and the

~~(c) The~~ revocation of the articles of association occurred only by reason of the failure to pay the fees and penalties.

~~4.~~ ~~5.~~ If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

~~5.~~ ~~6.~~ A reinstatement pursuant to this section relates back to the date on which the professional association forfeited its right to transact business under the provisions of this chapter and reinstates the professional association's right to transact business as if such right had at all times remained in full force and effect.

Sec. 15.5. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of chapter 78, 80, 82, 84, 86, 87, 87A, 88, 88A or 89 of NRS to the contrary, the Secretary of State shall reinstate a local emerging small business which has forfeited or which forfeits its right to transact business or which has had its right to transact business revoked pursuant to chapter 78, 80, 82, 84, 86, 87, 87A, 88, 88A or 89 of NRS and restore the right to transact business in this State and to exercise its privileges and immunities if it pays to the Secretary of State at least 25 percent of the total amount of the delinquent fees and penalties set forth in the applicable chapter of title 7 of NRS.

2. If the local emerging small business fails to pay the entirety of the delinquent fees and penalties pursuant to subsection 1, the local emerging small business shall enter into a payment plan with the Secretary of State to pay the remaining balance of such fees and penalties in monthly payments within 1 year.

3. If a local emerging small business fails to comply with any provision of the payment plan entered into with the Secretary of State pursuant to subsection 2, the Secretary of State shall revoke the right of the local emerging small business to transact business in this State.

4. If the right of a local emerging small business to transact business in this State has been forfeited pursuant to chapter 78, 80, 82, 84, 86, 87, 87A, 88, 88A or 89 of NRS and has remained forfeited for a period of at least 5 consecutive years, the right is not subject to reinstatement pursuant to this section.

Sec. 15.7. NRS 231.1401 is hereby amended to read as follows:

231.1401 As used in NRS 231.1401 to 231.1408, inclusive, and section 15.5 of this act, unless the context otherwise requires, the words and terms defined in NRS 231.1402, 231.1403 and 231.1404 have the meanings ascribed to them in those sections.

Sec. 16. This act becomes effective ~~on July 1, 2019,~~ upon passage and approval.

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. 365.

Bill read second time.

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

Amendment No. 349.

AN ACT relating to short-term lessors of vehicles; revising the maximum allowable charge for a waiver of damages offered by a short-term lessor of vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a short-term lessor of vehicles may offer to a lessee, but must not require, the purchase of a waiver of damages or optional insurance. (NRS 482.31565) Such a lessor may not charge more than \$22 per full or partial rental day for such a waiver, except that the maximum amount is adjusted each fiscal year in an amount calculated based on a certain Consumer Price Index for the preceding year.

Section 1 of this bill maintains the existing cap of \$22, as adjusted, for a vehicle that has a manufacturer's suggested retail price of not more than ~~[\$50,000,]~~ **\$60,000**, and adds a new cap of \$150, to be adjusted annually starting on July 1, 2021, for a vehicle that has a manufacturer's suggested retail price of more than ~~[\$50,000,]~~ **\$60,000**.

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

Section 1. NRS 482.31565 is hereby amended to read as follows:

482.31565 1. A short-term lessor shall not require the purchase of a waiver of damages, optional insurance or any other optional good or service as a condition for the lease of a passenger car.

2. Except as otherwise provided in this subsection, a short-term lessor may sell a waiver of damages but shall not charge more than, *for a vehicle with a manufacturer's suggested retail price:*

(a) *Of not more than ~~[\$50,000,]~~ **\$60,000**, \$22 per full or partial rental day or 24-hour rental period, as appropriate, for the waiver. The ~~monetary~~ amount ~~amounts~~ of the charge set forth in this ~~subsection~~ **paragraph** must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to ~~that~~ **each** amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted ~~amount~~ **amounts** for the next fiscal year on its website or otherwise make that information available to short-term lessors.*

(b) *That is more than ~~[\$50,000,]~~ **\$60,000**, \$150 per full or partial rental day or 24-hour rental period, as appropriate, for the waiver. The ~~monetary~~ ~~amounts~~ amount of the charge set forth in this paragraph must be adjusted for each fiscal year that begins on or after July 1, 2021, by adding to each amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2017, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amounts for the next fiscal year on its Internet website or otherwise make that information available to short-term lessors.*

3. A short-term lessor who disseminates an advertisement in the State of Nevada that contains a rate for the lease of a passenger car shall include in the advertisement a clearly readable statement of the charge for a waiver of damages and a statement that the waiver is optional.

4. A short-term lessor shall not engage in any unfair, deceptive or coercive conduct to induce a short-term lessee to purchase a waiver of damages, optional insurance or any other optional good or service, including, but not limited to, refusing to honor the lessee's reservation, limiting the availability of cars, requiring a deposit or debiting or blocking the lessee's credit card account for a sum equivalent to a deposit if the lessee declines to purchase a waiver, optional insurance or any other optional good or service.

Sec. 2. This act becomes effective on July 1, 2019.

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. 370.

Bill read second time.

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

Amendment No. 510.

AN ACT relating to industrial insurance; authorizing the use of money in the Fund for Workers' Compensation and Safety in the State Treasury to make certain payments; ~~eliminating the authority of the Administrator of the Division of Industrial Relations of the Department of Business and Industry to make certain payments from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety;~~ revising provisions providing for an annual increase in death benefits ~~for permanent total disability;~~ **authorizing the reimbursement of insurers for the costs of increases in death benefits under certain circumstances;** authorizing assessments against certain employers to defray the costs of certain ~~compensation for permanent total disability; repealing provisions authorizing annual payments to certain persons who are entitled to compensation for permanent total disability;~~ **increases in death benefits and other administrative costs relating thereto;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides for an annual increase in compensation in the amount of 2.3 percent to claimants or dependents thereof who are entitled to compensation for permanent total disability under industrial insurance for an industrial injury or disablement from an occupational disease that occurs on or after January 1, 2004. (NRS 616C.473) Existing law provides for a single annual payment to claimants and their dependents who are entitled to receive compensation for permanent total disability but are not entitled to the 2.3 percent annual increase in that compensation because the industrial injury or~~

~~disablement occurred before January 1, 2004. (NRS 616C.453) Existing law provides that such annual payments are paid from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety in the State Treasury, an account which is funded by assessments against insurers and certain employers who provide accident benefits for injured employees. (NRS 616A.430)~~

Section 3.5 of this bill provides for an annual increase in death benefits in the amount of 2.3 percent for widows, widowers, surviving children or surviving dependent parents who are entitled to death benefits under industrial insurance on account of industrial injuries or disablements from occupational diseases, with compensation to be increased on January 1, 2020, and on January 1 of each year thereafter.

Section 3.8 of this bill provides that an insurer who pays an increase in certain death benefits to a widow, widower, surviving child or surviving dependent parent is entitled to be reimbursed annually for the amount of that increase if the insurer provides certain information relating to those death benefits to the Administrator of the Division of Industrial Relations of the Department of Business and Industry.

Existing law sets forth the uses of money and securities in the Fund for Workers' Compensation and Safety. (NRS 616A.425) **Section 1 of this bill provides that , for widows, widowers, surviving children and surviving dependent parents who are entitled to receive death benefits on account of an industrial injury or a disablement from an occupational disease that occurred before July 1, 2019, money in the Fund may also be used to pay :** **(1) reimbursement to insurers for the cost of the increase in those death benefits; and (2) the salary and other expenses of administering the payment of those increased [compensation to claimants and dependents of claimants who are entitled to compensation for permanent total disability caused by industrial injuries and disablements from occupational diseases that occurred before January 1, 2004.**

~~Section 3 of this bill provides for a 2.3 percent annual increase in compensation for permanent total disability to claimants and dependents of claimants who are entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, with compensation to be increased on January 1, 2020, and on January 1 each year thereafter.] **death benefits.**~~

Section 4 of this bill provides that , for widows, widowers, surviving children and surviving dependent parents who are entitled to receive death benefits on account of an industrial injury or a disablement from an occupational disease that occurred before July 1, 2019, assessments against employers who provide accident benefits for injured employees may be used to defray the costs of [compensation payable to claimants and dependents of claimants who are entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004.

~~Section 7 of this bill repeals provisions which authorize a single annual payment to claimants and their dependents who are entitled to receive compensation for permanent total disability but are not entitled to the 2.3 percent annual increase in that compensation. Section 2 of this bill eliminates the authority of the Administrator of the Division of Industrial Relations of the Department of Business and Industry to make the annual payments from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety.]~~ **(1) reimbursement to insurers for the cost of the increase in those death benefits; and (2) the salary and other expenses of administering the payment of those increased death benefits.**

Sections 5 and 6 of this bill set forth the calculation of the base amount of the annual ~~compensation]~~ **death benefits** of a ~~claimant or a dependent of a claimant]~~ **widow, widower, surviving child or surviving dependent parent** who is entitled to receive future increases in ~~that compensation for a permanent total disability caused by]~~ **those death benefits on account of** an industrial injury or a disablement from an occupational disease that occurred before January 1, 1994.

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

Section 1. NRS 616A.425 is hereby amended to read as follows:

616A.425 1. There is hereby established in the State Treasury the Fund for Workers' Compensation and Safety as an enterprise fund. All money received from assessments levied on insurers and employers by the Administrator pursuant to NRS 232.680 must be deposited in this Fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Division for functions supported in whole or in part from the Fund must be delivered to the custody of the State Treasurer for deposit to the credit of the Fund.

3. All money and securities in the Fund must be used to defray all costs and expenses of administering the program of workers' compensation, including the payment of:

(a) All salaries and other expenses in administering the Division of Industrial Relations, including the costs of the office and staff of the Administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the Hearings Division of the Department of Administration and the programs of self-insurance and review of premium rates by the Commissioner.

(c) The salary and other expenses of a full-time employee of the Legislative Counsel Bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) That portion of the salaries and other expenses of the Office for Consumer Health Assistance of the Department of Health and Human Services established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

(g) For widows, widowers, surviving children and surviving dependent parents who are entitled to death benefits on account of an industrial injury or a disablement from an occupational disease that occurred before July 1, 2019:

(1) Reimbursement to insurers for the cost of the increase in the death benefits pursuant to subsection 1 of section 3.5 of this act; and

(2) The salary and other expenses of administering the payment of ~~compensation to claimants and dependents~~ the increase in death benefits pursuant to subsection ~~(2)~~ 1 of ~~NRS 616C.473~~ section 3.5 of this act.

↪ The provisions of this paragraph shall cease to be of any force or effect when no widow, widower, surviving child or surviving dependent parent is entitled to receive death benefits on account of an industrial injury or a disablement from an occupational disease that occurred before July 1, 2019.

4. The State Treasurer may disburse money from the Fund only upon written order of the Controller.

5. The State Treasurer shall invest money of the Fund in the same manner and in the same securities in which the State Treasurer is authorized to invest state general funds which are in his or her custody. Income realized from the investment of the assets of the Fund must be credited to the Fund ~~to defray the compensation payable to claimants and dependents pursuant to subsection 2 of NRS 616C.473.~~

6. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any insurer or employer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

7. If the Division refunds any part of an assessment, the Division shall include in that refund any interest earned by the Division from the refunded part of the assessment.

Sec. 2. ~~NRS 616A.430 is hereby amended to read as follows:~~

~~616A.430 1. There is hereby established in the State Treasury the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety, which may be used only for the purpose of making payments in accordance with the provisions of NRS 616C.220 ~~[, 616C.453]~~ and 617.401. The Administrator shall administer the Account and shall credit any excess money toward the assessments of the insurers for the succeeding years.~~

~~2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Administrator for the Uninsured~~

~~Employers' Claim Account must be delivered to the custody of the State Treasurer.~~

~~3. All money and securities in the Account must be held by the State Treasurer as custodian thereof to be used solely for workers' compensation.~~

~~4. The State Treasurer may disburse money from the Account only upon written order of the State Controller.~~

~~5. The State Treasurer shall invest money of the Account in the same manner and in the same securities in which the State Treasurer is authorized to invest money of the State General Fund. Income realized from the investment of the assets of the Account must be credited to the Account.~~

~~6. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount to be deposited in the Uninsured Employers' Claim Account. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary to maintain an appropriate balance in the Account for each fiscal year and shall allocate a portion of that amount to be payable by private carriers, a portion to be payable by self insured employers, a portion to be payable by associations of self insured public or private employers and a portion to be payable by the employers who provide accident benefits pursuant to NRS 616C.265, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable, the Administrator shall apply an assessment rate to the:~~

~~(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;~~

~~(b) Self insured employers that results in an equitable distribution of costs among the self insured employers and is based upon expected annual expenditures for claims;~~

~~(c) Associations of self insured public or private employers that results in an equitable distribution of costs among the associations of self insured public or private employers and is based upon expected annual expenditures for claims; and~~

~~(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflects the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.~~

~~* The Administrator shall adopt regulations for the establishment and administration of the assessment rates, payments and any penalties that the Administrator determines are necessary to carry out the provisions of this subsection. As used in this subsection, the term "group of insurers" includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.~~

~~7. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days~~

before their effective date. Any insurer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310. **(Deleted by amendment.)**

Sec. 3. ~~NRS 616C.473 is hereby amended to read as follows:~~

~~616C.473 1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurs on or after January 1, 2004, the claimant or dependent is entitled to an annual increase in that compensation in the amount of 2.3 percent. The compensation must be increased pursuant to this [section:] **subsection:**~~

~~(a) On January 1 of the year immediately after the year in which the claimant or dependent becomes entitled to receive that compensation; and~~

~~(b) On January 1 of each successive year after the year specified in paragraph (a) in which the claimant or dependent is entitled to receive that compensation.~~

~~2. ***If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurred before January 1, 2004, the claimant or dependent is entitled to an annual increase in that compensation in the amount of 2.3 percent. The compensation must be increased pursuant to this subsection:***~~

~~(a) On January 1, 2020; and~~

~~(b) On January 1 of each year thereafter.~~

~~3. Any increase in compensation provided pursuant to this section is in addition to any increase in compensation to which a claimant or a dependent of a claimant is otherwise entitled by law. **(Deleted by amendment.)**~~

Sec. 3.2. **Chapter 616C of NRS is hereby amended by adding thereto the provisions set forth as sections 3.5 and 3.8 of this act.**

Sec. 3.5. 1. Any widow, widower, surviving child or surviving dependent parent who is receiving death benefits pursuant to chapters 616A to 617, inclusive, of NRS on account of an industrial injury or a disablement from an occupational disease is entitled to an annual increase in those death benefits in the amount of 2.3 percent. The benefits must be increased pursuant to this section:

(a) On January 1, 2020; and

(b) On January 1 of each year thereafter.

2. Any increase in death benefits provided pursuant to this section is in addition to any increase in death benefits to which a widow, widower, surviving child or surviving dependent parent is otherwise entitled by law.

3. Any increase in death benefits pursuant to this section on account of an industrial injury or a disablement from an occupational disease that occurred on or after July 1, 2019, must be paid by insurers, including, without limitation, employers who provide accident benefits for injured employees pursuant to NRS 616C.265, without reimbursement from the

Fund for Workers' Compensation and Safety pursuant to section 3.8 of this act.

Sec. 3.8. 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to section 3.5 of this act is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

(1) Spouse of the widow or widower;

(2) Parent of the surviving child; or

(3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. An insurer may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by the Administrator.

4. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 4. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the Division, a full-time employee of the Legislative Counsel Bureau and the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420, and that portion of the cost of the Office for Consumer Health Assistance established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation, must be paid from assessments payable by each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265.

2. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary for each of the expenses set forth in subsections 1 and 4 of this section and subsection 3 of NRS 616A.425 and determine the amount that is payable by the private carriers, the self-insured employers, the associations of self-insured public or private employers and the employers who provide accident benefits pursuant to NRS 616C.265 for each of the programs. For the expenses from which more than one group of insurers receives benefit, the Administrator shall allocate a portion of the amount necessary for that expense to be payable by each of the relevant group of insurers, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable among each group of insurers for all the expenses from which each group receives benefit, the Administrator shall apply an assessment rate to the:

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflect the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

➔ The Administrator shall adopt regulations that establish the formula for the assessment and for the administration of payment, and any penalties that the Administrator determines are necessary to carry out the provisions of this subsection. The formula may use actual expenditures for claims. As used in this subsection, the term “group of insurers” includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

3. Federal grants may partially defray the costs of the Division.

4. Assessments made against insurers by the Division after the adoption of regulations must be used to defray all costs and expenses of administering the program of workers’ compensation, including the payment of:

(a) All salaries and other expenses in administering the Division, including the costs of the office and staff of the Administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the Hearings Division of the Department

of Administration and the programs of self-insurance and review of premium rates by the Commissioner of Insurance.

(c) The salary and other expenses of a full-time employee of the Legislative Counsel Bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) That portion of the salaries and other expenses of the Office for Consumer Health Assistance established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

~~{5. If the Division refunds any part of an assessment, the Division shall include in that refund any interest earned by the Division from the refunded part of the assessment.}~~

(g) For widows, widowers, surviving children and surviving dependent parents who are entitled to death benefits on account of an industrial injury or a disablement from an occupational disease pursuant to section 3.5 of this act that occurred before July 1, 2019:

(1) Reimbursement to insurers for the cost of the increase in the death benefits pursuant to subsection 1 of section 3.5 of this act; and

(2) The ~~compensation payable to claimants and dependents of the claimants~~ salary and other expenses of administering the payment of the increase in death benefits pursuant to subsection ~~{2} 1~~ of ~~NRS 616C.473~~ section 3.5 of this act.

↪ The provisions of this paragraph shall cease to be of any force or effect when no widow, widower, surviving child or surviving dependent parent is entitled to receive death benefits on account of an industrial injury or a disablement from an occupational disease that occurred before July 1, 2019.

Sec. 5. For the purposes of ~~{paragraph (c) of}~~ subsection ~~{2} 1~~ of ~~NRS 616C.473, as amended by}~~ section ~~{3} 3.5~~ of this act, the amount of ~~compensation~~ **death benefits** which is to be increased by 2.3 percent on January 1, 2020, for a ~~claimant or a dependent of a claimant~~ **widow, widower, surviving child or surviving dependent parent** who is entitled to receive ~~compensation for a permanent total disability caused by}~~ **death benefits on account of** an industrial injury or a disablement from an occupational disease that occurred before January 1, 1989, shall be deemed to be the amount of annual ~~compensation~~ **death benefits** the ~~claimant or dependent~~ **widow, widower, surviving child or surviving dependent parent** was entitled to receive before the effective date of this act, compounded 3 times at 2.3 percent. The intent of this section is to put the ~~claimant or dependent~~ **widow, widower, surviving child or surviving dependent parent** in the same position on January 1, 2020, with regard to the amount of ~~compensation~~ **death benefits** to be increased by 2.3 percent pursuant to

paragraph (a) of subsection ~~2~~ 1 of ~~NRS 616C.473, as amended by~~ section ~~3~~ 3.5 of this act, as if the ~~claimant or dependent~~ widow, widower, surviving child or surviving dependent parent had been receiving an annual increase of 2.3 percent of his or her annual ~~compensation~~ death benefits on January 1 of each year beginning on January 1, 2017.

Sec. 6. For the purposes of ~~paragraph (a) of~~ subsection ~~2~~ 1 of ~~NRS 616C.473, as amended by~~ section ~~3~~ 3.5 of this act, the amount of ~~compensation~~ death benefits which is to be increased by 2.3 percent on January 1, 2020, for a ~~claimant or a dependent of a claimant~~ widow, widower, surviving child or surviving dependent parent who is entitled to receive ~~compensation for a permanent total disability caused by~~ death benefits on account of an industrial injury or a disablement from an occupational disease that occurred on or after January 1, 1989, and before January 1, 1994, shall be deemed to be the amount of annual ~~compensation~~ death benefits the ~~claimant or dependent~~ widow, widower, surviving child or surviving dependent parent was entitled to receive before the effective date of this act, compounded 2 times at 2.3 percent. The intent of this section is to put the ~~claimant or dependent~~ widow, widower, surviving child or surviving dependent parent in the same position on January 1, 2020, with regard to the amount of ~~compensation~~ death benefits to be increased by 2.3 percent pursuant to paragraph (a) of subsection ~~2~~ 1 of ~~NRS 616C.473, as amended by~~ section ~~3~~ 3.5 of this act, as if the ~~claimant or dependent~~ widow, widower, surviving child or surviving dependent parent had been receiving an annual increase of 2.3 percent of his or her annual ~~compensation~~ death benefits on January 1 of each year beginning on January 1, 2018.

Sec. 7. ~~NRS 616C.453 is hereby repealed.~~ **(Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2019.

†

~~TEXT OF REPEALED SECTION~~

~~616C.453—Additional annual payment to certain claimants and dependents of claimants who are entitled to receive compensation for permanent total disability; adoption of regulations to determine amount of payment.~~

~~1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability and the claimant or dependent is not entitled to an annual increase in that compensation pursuant to NRS 616C.473, the claimant or dependent is entitled to an annual payment for that permanent total disability in an amount determined by the Administrator pursuant to subsection 3, but such annual payments may not exceed \$1,200 per claimant or dependent. Except as otherwise provided in subsection 5, the total payments made pursuant to this section may not exceed \$500,000 per year.~~

~~2. Each year, the Administrator shall withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount~~

~~of the income realized from the investment of the assets in the Account that is necessary to fund the payments calculated pursuant to subsection 3.~~

~~3. The Administrator shall adopt regulations establishing a method for the equitable distribution of the money withdrawn from the Account pursuant to subsection 2. The regulations must provide for payments that result in the largest proportional share of the money being paid to claimants and dependents who receive the lowest amount of compensation pursuant to chapters 616A to 617, inclusive, of NRS for the permanent total disability. The Administrator may adopt any other regulations that are necessary to carry out the provisions of this section.~~

~~4. Except as otherwise provided in subsection 5, the Administrator shall make the payment required by this section to each claimant and dependent of the claimant who is entitled to the payment not later than October 1 of each year. Any payment received by the claimant or dependent of the claimant pursuant to this section is in addition to any compensation to which the claimant or dependent of the claimant is otherwise entitled by law.~~

~~5. The Administrator may make a payment from the Account to a claimant or a dependent of a claimant that would have been payable in a prior year pursuant to subsection 3 if the Administrator determines that the claimant or dependent was entitled to the payment pursuant to subsection 1.~~

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 371.

Bill read second time.

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

Amendment No. 423.

SUMMARY — ~~[Revises provisions governing]~~ **Temporarily requires the reporting of certain information relating to requests for public records, and by certain governmental entities.** (BDR ~~[9-16]~~) **S-16**

AN ACT relating to public records; ~~[revising provisions governing the inspection, copying or receipt of a copy of public records; abrogating any common law exemption or exception to providing such access to]~~ **requiring the person responsible for responding to public records requests for certain governmental entities to report for a temporary period certain information relating to requests for public records; requiring the Director of the Legislative Counsel Bureau to compile and provide that information to the Legislature and, upon request, a member of the public;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity are required to be open at all times during office hours for inspection and

copying or receipt of a copy unless the records are otherwise declared by law to be confidential. (NRS 239.010) ~~Section 2 of this bill specifies that “by law” means only by specific statute or regulation.~~

~~The Nevada Supreme Court has established a balancing test for a governmental entity to apply to determine whether to disclose a book or record when the law is silent with respect to the confidentiality of the book or record. Under this balancing test, the governmental entity is required to determine whether the private or governmental interest served by withholding the book or record clearly outweighs the right of the public to inspect or copy the book or record. (Donrey v. Bradshaw, 106 Nev. 630 (1990); DR Partners v. Board of County Comm’rs, 116 Nev. 616 (2000); Reno Newspapers, Inc. v. Haley, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010); Reno Newspapers, Inc. v. Gibbons, 127 Nev. Adv. Op. 79, 266 P.3d 623 (2011)) The legislative declaration for the provisions in existing law governing public records requires that those provisions be construed liberally to foster democratic principles by providing the public with access to inspect and copy public books and records and that any exemption or exception or balancing of interests which limits or restricts such access be construed narrowly. (NRS 239.001) Section 1 of this bill provides that the only exemptions or exceptions to providing access to inspect, copy or receive of a copy of public books and records are those provided by statute or regulation. Section 1 also abrogates any common law exemption or exception to providing such access, including, without limitation, any balancing of interests.~~ **This bill requires the person responsible for responding to a request to inspect, copy or receive a copy of a public book or record for certain governmental entities in the counties of Clark, Douglas, Elko, Washoe and Carson City and the cities of Elko, Henderson, Las Vegas, Reno and Sparks to compile certain information relating to each request for a public record received by the governmental entity for a period of 120 days beginning on January 15, 2020. Additionally, this bill requires each such entity to submit the information to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director. Finally, this bill requires the Director to compile the information received from each governmental entity and: (1) provide the report to a member of the public upon request; (2) post notice of the availability of the report on an Internet website maintained by the Legislative Counsel Bureau; and (3) transmit the report to the Legislative Commission and to the next regular session of the Legislature.**

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

Section 1. ~~NRS 239.001 is hereby amended to read as follows:~~

~~239.001~~ **I.** ~~The Legislature hereby finds and declares that:~~
~~[1.] (a) The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;~~

~~[2.] (b) The provisions of this chapter must be construed liberally to carry out this important purpose;~~

~~[3.] (c) Any exemption [] or exception [or balancing of interests] **provided by statute or regulation** which limits or restricts access to public books and records by members of the public must be construed narrowly;~~

~~[4.] (d) The use of private entities in the provision of public services must not deprive members of the public access to inspect and copy books and records relating to the provision of those services; and~~

~~[5.] (e) If a public book or record is declared by law to be open to the public, such a declaration does not imply, and must not be construed to mean, that a public book or record is confidential if it is not declared by law to be open to the public and is not otherwise declared by law to be confidential.~~

~~2. ***In interpreting and applying the provisions of this chapter, the only exemptions or exceptions limiting or restricting access to inspect, copy or receive a copy of public books and records are those provided by statute or regulation. Any common-law exemption or exception to providing such access, including, without limitation, any balancing of interests, is hereby abrogated.***~~

~~3. ***As used in this section, "regulation" means a regulation adopted by a governmental entity pursuant to express statutory authority allowing the governmental entity to create an exemption or exception to this chapter or otherwise provide confidentiality for a record.*** (Deleted by amendment.)~~

Sec. 2. ~~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, 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] **statute or regulation** 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.~~

~~5. As used in this section, "regulation" means a regulation adopted by a governmental entity pursuant to express statutory authority allowing the governmental entity to create an exemption or exception to this chapter or otherwise provide confidentiality for a record. (Deleted by amendment.)~~

Sec. 2.5. 1. The person responsible for responding to public records requests for the following governmental entities shall perform the duties prescribed in subsection 2:

(a) In the counties of Clark, Douglas, Elko, Washoe and Carson City:

(1) The office of the county assessor;

(2) The department responsible for public works;

(3) The office of the district attorney;

(4) The office of a county coroner or medical examiner; and

(5) The office of registrar of voters or county clerk, as applicable, with respect to elections;

(b) In the cities of Elko, Henderson, Las Vegas, Reno and Sparks:

(1) The department responsible for public works;

(2) The office of the city attorney; and

(3) The office responsible for planning;

(c) Clark County School District, Douglas County School District, Elko County School District, Lyon County School District and Washoe County School District; and

(d) The Department of Corrections.

2. For a period of 120 days beginning on January 15, 2020, the person responsible for responding to public records requests for the governmental entities described in subsection 1 shall compile the information listed in subsection 3 for the governmental entity for which he or she is responsible and submit the information to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director.

3. The information compiled pursuant to subsection 2 must include, without limitation, for each request for a public record received by the governmental entity:

(a) The type of requester, if known, including, without limitation, whether the person who made the request was a private citizen or a representative of a media organization, nonprofit organization, corporation based in this State, corporation based outside this State, political party or labor union;

(b) Whether the request was:

(1) Provided in complete form without any redactions;

(2) Provided with redactions; or

(3) Denied in whole or in part;

(c) If the request was denied in whole or in part, the reason provided for the denial, including, without limitation, if the governmental entity determines that:

(1) The record or portion thereof is deemed confidential by statute or regulation, a citation to that statute or regulation;

(2) The requested record or portion thereof is privileged, a statement of that determination and the type of privilege cited for the denial;

(3) The governmental entity does not have legal custody or control of the requested record or portion thereof, or the requested record does not exist, a statement of that determination; or

(4) Common law requires the denial, a statement of the common-law reason cited for the denial, including, without limitation, that a balancing of interests necessitated the denial;

(d) The number of days that elapsed between the date on which the governmental entity received the request and the date on which the governmental entity provided the request or denied the request in whole or in part;

(e) The fee charged for providing the requested record; and

(f) The medium in which the requested record was provided.

4. A request by a pupil or by his or her parent or legal guardian for the record of a pupil is not a request for a public record for purposes of subsection 2.

5. On or before July 1, 2020, the Director of the Legislative Counsel Bureau shall compile the information received pursuant to subsection 2 into a report and:

- (a) Provide the report to a member of the public upon request;
- (b) Post notice of the availability of the report on an Internet website maintained by the Legislative Counsel Bureau; and
- (c) Transmit the report to the Legislative Commission and to the next regular session of the Legislature.

Sec. 3. 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. 376.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 384.

SUMMARY—~~Requires local law enforcement agencies to report annually to the Legislature certain statistics relating to transfers of undocumented~~ **Revises provisions relating to persons ~~(to the)~~ in custody ~~of federal agencies.~~** (BDR 14-675)

AN ACT relating to ~~law enforcement agencies;~~ **persons in custody;** requiring ~~local law enforcement agencies;~~ **certain entities** to report annually to the Legislature certain statistics relating to transfers of ~~undocumented~~ persons to the custody of federal agencies; **providing that before a prisoner who is in the custody of a county or city jail or detention facility is questioned about his or her immigration status, the prisoner must be informed about the purpose of such questions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the collection and reporting to the Legislature of certain statistical data concerning certain crimes, such as crimes related to prejudice and crimes committed against older persons. (NRS 179A.175, 179A.450) **Section 1** of this bill requires ~~each local law enforcement agency;~~ **certain entities** to submit ~~(an annual report)~~ **reports** to the Legislature relating to the transfer of ~~undocumented~~ persons to the custody of federal agencies by that ~~local law enforcement agency;~~ **entity for the purposes of immigration enforcement** during the previous ~~fiscal~~ **calendar** year. **Section 1** requires ~~the~~ **each** report to include: (1) the total number of ~~undocumented~~ persons who were transferred to the custody of a federal agency **for the purposes of immigration enforcement** and the **specific** reasons for those

transfers; (2) the crimes for which those ~~[undocumented]~~ persons were arrested, including the total number of ~~[undocumented]~~ persons arrested for each specific crime; ~~and~~ (3) the ~~[name of each federal agency to whose custody an undocumented person was transferred and the total number of undocumented persons transferred to that federal agency.]~~ **most serious crime for which those persons were convicted in the past, if any; (4) whether those persons had an active judicial warrant; and (5) if those persons were held in custody beyond the date on which they would have otherwise been released had they not been held in custody for the purpose of being transferred to the custody of a federal agency, the number of days they were held in custody beyond the date on which they would have otherwise been released and the cost for holding them in custody for those days.** Under section 1, the data acquired or reported must be used only for research or statistical purposes and must not contain any information that may reveal the identity of any ~~[undocumented]~~ person ~~or~~ **transferred to the custody of a federal agency.**

Section 1.5 of this bill provides that before questioning a prisoner in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

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

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

1. ~~[On or before the last day of the third month]~~ **Within 60 days following the end of the previous [fiscal] calendar year, each [local law enforcement agency] designated entity shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, a report relating to the transfer of [undocumented] persons to the custody of federal agencies by that [local law enforcement agency] designated entity for the purposes of immigration enforcement during the previous [fiscal] calendar year.**

2. **The report must include the following information:**

(a) **The total number of [undocumented] persons who were transferred to the custody of a federal agency for the purposes of immigration enforcement and the specific reasons for those transfers ~~or~~, such as whether the transfers were made pursuant to a judicial warrant, a program implemented pursuant to section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), a detainer issued by the United States Immigration and Customs Enforcement of the Department of Homeland Security or a request by a local law enforcement agency.**

(b) ~~The crimes for which those undocumented persons were arrested, including the total number of undocumented persons arrested for each specific crime.~~

~~(c) The ~~name of each federal agency to whose custody an undocumented person was transferred and the total number of undocumented persons transferred to that federal agency.~~ most serious crime for which those persons were convicted in the past, if any.~~

~~(d) Whether those persons had an active judicial warrant at the time of being transferred.~~

~~(e) If those persons were held in custody beyond the date on which they would have otherwise been released had they not been held in custody for the purpose of being transferred to the custody of a federal agency, the number of days they were held in custody beyond the date on which they would have otherwise been released and the cost for holding them in custody for those days.~~

3. Data acquired or reported pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of any ~~undocumented~~ person ~~f-~~ transferred to the custody of a federal agency.

4. As used in this section, ~~"local law enforcement agency" means:~~ "designated entity" includes:

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

(b) A metropolitan police department; ~~f-~~

(c) A police department of an incorporated city ~~f-~~ ;

(d) A county or city jail or detention facility;

(e) The Department of Corrections; and

(f) The Division of Parole and Probation of the Department of Public Safety.

Sec. 1.5. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

Before questioning a prisoner in the custody of a county or city jail or detention facility regarding his or her immigration status, the person seeking to question the prisoner shall inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

Sec. 2. 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. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective on ~~July 1, 2019.~~ January 1, 2020.

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. 385.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 516.

SUMMARY — ~~Enacts~~ **Revises provisions governing** the Southern Nevada Enterprise Community ~~Economic Development Act~~ **Board.** (BDR ~~18-865~~) **18-865**

AN ACT relating to tax credits; ~~enacting~~ **revising provisions governing the duties of** the Southern Nevada Enterprise Community ~~Economic Development Act~~; ~~creating the Southern Nevada Enterprise Community Advisory Council; providing for the issuance of transferable tax credits to a project that satisfies certain requirements~~ **Board; requiring the Executive Director of the Office of Economic Development to meet with the Board to discuss and collaborate on topics** related to the economic development of the Southern Nevada Enterprise Community and ~~certain other requirements; authorizing the governing body of a city or county to grant abatements of certain permitting and licensing fees imposed or charged by the city or county; removing authorization for the issuance of certain transferrable tax credits for certain qualified projects;~~ **its surrounding areas;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates certain areas in the urban core of the Las Vegas Valley as the Southern Nevada Enterprise Community. (Chapter 407, Statutes of Nevada 2007, pp. 1781-86) Existing law authorizes the Office of Economic Development to ~~approve applications for the issuance of transferable tax credits submitted by the lead participant engaged in certain qualified projects that make a new capital investment in this State of at least \$1 billion and meet certain other requirements. (NRS 360.889) Sections 19, 23 and 25 of this bill eliminate the authority for the Office to issue such transferrable tax credits. Sections 1-17 of this bill authorize the Office to instead approve applications for the issuance of transferable tax credits submitted by a business engaged in certain emerging industries which proposes to locate or expand in the geographic boundaries of the Community. Section 11 of this bill authorizes such a business to apply to the Office for such tax credits. Section 12 of this bill requires the Office to approve such an application if, in addition to certain other requirements: (1) the project would promote the economic development of this State and aid the implementation of the State Plan for Economic Development; (2) the business will assist in the development of the workforce residing in the Community; and (3) at least 50 percent of the employees engaged in the construction of the project and 50 percent of the employees employed at the project are residents of Nevada. Section 12 further provides that any action by the Office concerning an application must be taken at a public meeting.~~

~~Upon approval of an application, section 13 of this bill requires the Office to issue to a qualified business a certificate of eligibility for transferable tax~~

~~credits. Section 14 of this bill provides that: (1) the amount of transferable tax credits which may be approved in any fiscal year must not exceed \$7,600,000; and (2) the total amount of transferable tax credits which may be approved pursuant to this bill must not exceed \$38,000,000. Section 14 also prohibits the Office from approving any applications for transferable tax credits for any fiscal year beginning on or after July 1, 2025.~~

~~Section 11 provides that the transferable tax credits may be applied to: (1) the excise tax on banks and payroll taxes imposed by chapters 363A and 363B of NRS; (2) the gaming license fees imposed by the provisions of NRS 463.370; (3) the general tax on insurance premiums imposed by chapter 680B of NRS; or (4) any combination of such taxes and fees. Additionally, section 11 requires that the business annually provide the Office with an audit of the qualified project that is certified by an independent certified public accountant in this State who is approved by the Office.~~

~~Section 15 of this bill requires a business to repay any portion of transferable tax credits and any portion of an abatement to which the lead participant is not entitled if the Office determines that the lead participant becomes ineligible for the incentives. Section 16 of this bill requires the Office to make and submit to the Legislature certain reports concerning any transferable tax credits provided to a business pursuant to sections 1-17. Section 16 also requires the Office to, upon request, make available to the Legislature any information concerning a business receiving the transferable tax credits.~~

~~Section 17 of this bill authorizes the governing body of a city or county to grant abatements of certain permitting and licensing fees imposed or charged by the city or county to a business that receives transferable tax credits pursuant to sections 1-17.~~

~~Sections 9 and 10 of this bill create the Southern Nevada Enterprise Community Advisory Council to advise and collaborate with certain governmental entities on projects and proposed projects, to coordinate with the Governor's Office of Economic Development in an effort to recruit businesses engaged in an emerging industry to locate in the Community and to ensure that the needs and opinions of residents of the Southern Nevada Enterprise Community are reflected in the granting of tax credits pursuant to sections 1-17.~~ **administer applications for certain incentives for economic development in this State, including partial abatements of certain taxes, transferrable tax credits, grants and loans. (NRS 231.020-231.1597, 360.880-360.980)**

Section 1.3 of this bill requires the Executive Director of the Office of Economic Development to meet with the Board at least once per calendar quarter to discuss and collaborate on certain issues relating to economic development. Section 1.7 of this bill amends the Southern Nevada Enterprise Community Infrastructure Improvement Act to provide that the primary purposes of the Southern Nevada Enterprise Community Board include: (1) communicating to the Office of Economic Development certain recommendations of the Board regarding projects to receive

economic development incentives and legislative action relating to economic development; and (2) meeting with the Executive Director of the Office of Economic Development as provided in section 1.3.

~~{ WHEREAS, On December 21, 1994, President William Jefferson Clinton designated nine census tracts in the urban core of the Las Vegas Valley as an “enterprise community”; and~~

~~— WHEREAS, The designation was accompanied by an award of \$2,950,000 in Title XX funds to be used for projects in the enterprise community; and~~

~~— WHEREAS, The Southern Nevada Enterprise Community so created includes the target areas of West Las Vegas, East Las Vegas, Meadows Village and North Las Vegas; and~~

~~— WHEREAS, The Southern Nevada Enterprise Community involves a partnership among the cities of Las Vegas and North Las Vegas, and Clark County, working together to harness resources from the public, private and nonprofit sectors to provide programs, services and facilities to the target areas; and~~

~~— WHEREAS, Cooperation between emerging industries, local governments and communities can serve as a vital means for revitalizing neighborhoods economically and making opportunities for workforce development available to communities; now, therefore,}~~

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

~~Section 1. {This Act may be cited as the Southern Nevada Enterprise Community Economic Development Act.} (Deleted by amendment.)~~

Sec. 1.3. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Executive Director shall meet with the Southern Nevada Enterprise Community Board at least once each calendar quarter to collaborate and discuss:

(a) Ways to develop the economy within the Community and its surrounding areas;

(b) Projects within the Community and its surrounding areas that may be eligible to obtain an abatement, partial abatement or exemption from taxes or any other incentive for economic development which is administered by the Office;

(c) Strategies, in addition to the incentives for economic development administered by the Office, to encourage businesses to locate in the Community and its surrounding areas.

2. As used in this section, “Community” means the Southern Nevada Enterprise Community, which consists of the nine census tracts designated by President William Jefferson Clinton on December 21, 1994.

Sec. 1.5. NRS 231.020 is hereby amended to read as follows:

231.020 As used in NRS 231.020 to 231.139, inclusive, and section 1.3 of this act, unless the context otherwise requires, “motion pictures” includes feature films, movies made for broadcast or other electronic transmission, and programs made for broadcast or other electronic transmission in episodes.

Sec. 1.7. Section 9 of the Southern Nevada Enterprise Community Infrastructure Improvement Act, being chapter 407, Statutes of Nevada 2007, as amended by Chapter 481, Statutes of Nevada 2009, at page 2772, is hereby amended to read as follows:

Sec. 9. The primary purposes of the Board are to:

1. Advise the governmental entities that have members on the Board with respect to the Project;

2. Identify projects that may be eligible for federal funding or funding through city and county redevelopment authorities, and request appropriations for those projects from the Clark County Board of County Commissioners, the Las Vegas City Council and the North Las Vegas City Council or the governing boards of their respective redevelopment authorities;

3. Carry out such additional projects as may be directed by the Legislature; and

4. Ensure that the needs and opinions of the residents of the Community are reflected adequately by the Project and any additional projects assigned to the Board.

5. Communicate to the Office of Economic Development:

(a) Projects within the Community which the Board recommends for the receipt of any abatement, partial abatement or exemption from taxes or any other incentive for economic development which is administered by the Office.

(b) Recommendations of the Board for any legislative action concerning economic development incentives that would enable such incentives to be provided to businesses within the Community and its surrounding areas.

6. Meet and collaborate with the Executive Director of the Office of Economic Development as provided in section 1.3 of this act.

~~Sec. 2. [As used in sections 1 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.]~~
(Deleted by amendment.)

~~Sec. 3. [“Business” means a person or entity that is engaged in business in an emerging industry and intends to locate or expand in the Community.]~~
(Deleted by amendment.)

~~Sec. 4. [“Community” means the area designated as the Southern Nevada Enterprise Community in section 5 of chapter 407, Statutes of Nevada 2007.]~~
(Deleted by amendment.)

~~Sec. 5. [“Council” means the Southern Nevada Enterprise Community Advisory Council created pursuant to section 9 of this act.] **(Deleted by amendment.)**~~

~~Sec. 6. [“Department” means the Department of Taxation.] **(Deleted by amendment.)**~~

~~Sec. 7. [“Emerging industry” means the following industries:~~

- ~~1. Aerospace and defense;~~
- ~~2. Information technology; and~~
- ~~3. Natural resource technologies.] **(Deleted by amendment.)**~~

~~Sec. 8. [“Qualified business” means a business which the Office of Economic Development determines meets all the requirements set forth in subsections 2, 3 and 4 of section 11 of this act.] **(Deleted by amendment.)**~~

~~Sec. 9. 1. The Southern Nevada Enterprise Community Advisory Council is hereby created.~~

~~2. The Council consists of nine members, appointed in consultation with residents of the Community, as follows:~~

~~(a) One member of the Nevada Congressional Delegation selected from among its membership or his or her designee;~~

~~(b) One member of the Assembly and one member of the Senate who represent the Community selected by the Legislative Commission;~~

~~(c) One member of the Clark County Board of County Commissioners selected from among its membership;~~

~~(d) One member of the Las Vegas City Council from among its membership;~~

~~(e) One member of the North Las Vegas City Council from among its membership; and~~

~~(f) Three representatives of the private sector who reside in the Community, appointed as follows:~~

~~(1) One member appointed by the Las Vegas Metro Chamber of Commerce, or its successor organization;~~

~~(2) One member appointed by the Latin Chamber of Commerce, or its successor organization; and~~

~~(3) One member appointed by the Urban Chamber of Commerce, or its successor organization.~~

~~3. Each member of the Council serves for a term of 3 years. A vacancy on the Council must be filled in the same manner as the original appointment. A member may be reappointed to the Council.~~

~~4. The members of the Council shall elect a Chair and Vice Chair by majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on August 1 of each year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Council shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.] **(Deleted by amendment.)**~~

~~Sec. 10. [The primary purposes of the Council are to:~~

- ~~1. Advise the governmental entities that have members on the Council with respect to any project or proposed project;~~
- ~~2. Advise and collaborate with the Office of Economic Development, county redevelopment authorities and the governing body of any county, school district, city or town, if any, in which any project will be located with respect to a project or proposed project or the recruitment of businesses to locate a project in the Community;~~
- ~~3. Ensure that the needs and opinions of the residents of the Community are reflected adequately in the issuance of transferrable tax credits pursuant to sections 1 to 17, inclusive, of this act; and~~
- ~~4. Assist and coordinate with the Office of Economic Development to recruit businesses engaged in business in an emerging industry to locate or expand in the Community. The Office of Economic Development shall assist and coordinate with the Council in such recruitment.] (Deleted by amendment.)~~

Sec. 11. ~~H. A business may apply to the Office of Economic Development for a certificate of eligibility for transferable tax credits which may be applied to:~~

- ~~(a) Any tax imposed by chapters 363A and 363B of NRS;~~
- ~~(b) The gaming license fees imposed by the provisions of NRS 463.370;~~
- ~~(c) Any tax imposed by chapter 680B of NRS; or~~
- ~~(d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).~~
- ~~2. For the business to be eligible for the transferable tax credits described in subsection 1, the business must:~~
 - ~~(a) Submit an application that meets the requirements of subsection 3;~~
 - ~~(b) Provide documentation satisfactory to the Office that approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053;~~
 - ~~(c) Provide documentation satisfactory to the Office that the business is engaged in an emerging industry;~~
 - ~~(d) Provide documentation satisfactory to the Office that the business is or will be located within the geographic boundaries of the Community;~~
 - ~~(e) Provide documentation satisfactory to the Office that the business is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;~~
 - ~~(f) Provide documentation satisfactory to the Office of the number of employees engaged in the construction of the project;~~
 - ~~(g) Provide documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;~~

~~—(h) Provide documentation satisfactory to the Office that the business provides a plan of health insurance and that each employee employed at the project by the business is offered coverage under the plan of health insurance provided by the business;~~

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

~~—(j) Provide documentation satisfactory to the Office that the business will assist in the development of the workforce in the Community, including programs for the recruitment and training of residents of the Community for employment at the project and programs to provide internships to residents of the Community;~~

~~—(k) Agree to provide the Office with a full compliance audit of the project at the end of each fiscal year which:~~

~~—(1) Shows the amount of money invested in this State by the business;~~

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

~~—(3) Shows the number of employees employed at the project by the business and the number of those employees who are residents of Nevada;~~

~~—(4) Shows the number of residents of the Community participating in the programs described in paragraph (j); and~~

~~—(5) Is certified by an independent certified public accountant in this State who is approved by the Office;~~

~~—(l) Pay the cost of the audit required by paragraph (k); and~~

~~—(m) Meet any other requirements prescribed by the Office.~~

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

~~—(a) A detailed description of the business and the project which the business will locate or expand in the Community;~~

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

~~—(c) A detailed description of the programs described in paragraph (j) of subsection 2 that the business will provide;~~

~~—(d) The name and address of the business, which must be an address in this State; and~~

~~—(e) Any other information required by the Office.~~

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

~~—(a) A copy of the:~~

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

~~employee originally issued by the Department of Motor Vehicles more than 60 days before the hiring of the employee; or~~

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

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

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

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

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

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

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

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

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

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

~~Sec. 12. 1. If the Office of Economic Development receives an application pursuant to section 11 of this act, the Office:~~

~~—(a) Shall not take any action on the application unless the Office takes that action at a public meeting conducted for that purpose.~~

~~—(b) Shall, at least 30 days before any public meeting conducted for the purpose of taking any action on the application, provide notice of the~~

application and the date, time and location of the public meeting at which the Office will consider the application to:

- ~~— (1) The business;~~
- ~~— (2) The Department;~~
- ~~— (3) The Nevada Gaming Control Board;~~
- ~~— (4) The Council;~~
- ~~— (5) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the business will locate or expand;~~
- ~~— (6) The governing body of any other political subdivision that the Office determines could experience a direct economic effect as a result of the location or expansion of the business in the Community; and~~
- ~~— (7) The general public.~~

~~— (e) Shall allow the governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the business will locate or expand to provide comment at any public meeting conducted for the purpose of taking any action on the application.~~

~~— 2. The date of the public meeting to consider an application submitted pursuant to section 11 of this act must be not later than 60 days after the date on which the Office receives the completed application.~~

~~— 3. The Office shall approve an application submitted pursuant to section 11 of this act if the Office finds that the project is a qualified business. The Office shall issue a decision on the application not later than 30 days after the conclusion of the public meeting on the application.~~

~~— 4. The business applying for transferable tax credits pursuant to section 11 of this act shall submit all accountings and other required information to the Office and the Department not later than 30 days after a date specified in the decision issued by the Office. If the Office or the Department determines that information submitted pursuant to this subsection is incomplete, the business shall, not later than 30 days after receiving notice that the information is incomplete, provide to the Office or the Department, as applicable, all additional information required by the Office or the Department.~~

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

- ~~— (a) Is confidential proprietary information of the business applying for the transferable tax credits;~~
- ~~— (b) Is not public record; and~~
- ~~— (c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.~~

~~— 6. After the Office provides notice of the application and the public meeting pursuant to paragraph (b) of subsection 1:~~

- ~~— (a) The application is a public record; and~~

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

~~7. Before the Executive Director of the Office discloses the application to the public, the business submitting the application may submit a request to the Executive Director of the Office to protect from disclosure any information in the application which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director of the Office shall determine whether to protect the information from disclosure. The decision of the Executive Director of the Office is final and is not subject to judicial review. If the Executive Director of the Office determines to protect the information from disclosure, the protected information:~~

~~(a) Is confidential proprietary information of the business;~~

~~(b) Is not a public record;~~

~~(c) Must be redacted by the Executive Director of the Office from any copy of the application that is disclosed to the public; and~~

~~(d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the business consents to the disclosure.† (Deleted by amendment.)~~

~~Sec. 13. 1. If the Office of Economic Development approves an application for a certificate of eligibility for transferable tax credits submitted pursuant to subsection 1 of section 11 of this act, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to this section to:~~

~~(a) The qualified business;~~

~~(b) The Department; and~~

~~(c) The Nevada Gaming Control Board.~~

~~2. Within 14 business days after receipt of an audit provided by the qualified business for a qualified project pursuant to paragraph (k) of subsection 2 of section 11 of this act and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for the transferable tax credits have been met, the Office shall notify the qualified business that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the qualified business shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1 of section 11 of this act, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the qualified business a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration. The qualified business shall notify the~~

~~Department upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1 of section 11 of this act. The Department shall notify the Office and the Nevada Gaming Control Board of the amount of any transferable tax credits transferred. (Deleted by amendment.)~~

~~Sec. 14. 1. Except as otherwise provided in this section, the Office of Economic Development shall not approve transferable tax credits:~~

~~—(a) For Fiscal Year 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024 or 2024-2025, if approval of the transferable tax credits would cause the total amount of transferable tax credits issued pursuant to sections 1 to 17, inclusive, of this act in that fiscal year to exceed \$7,600,000.~~

~~—(b) For a fiscal year beginning on or after July 1, 2025.~~

~~—2. The total amount of transferable tax credits issued pursuant to sections 1 to 17, inclusive, of this act to all qualified projects in this State must not exceed \$38,000,000.~~

~~—3. If in any fiscal year the Office does not approve an amount of transferable tax credits equal to the total amount authorized by paragraph (a) or (b) of subsection 1, the remaining amount of transferable tax credits must be carried forward and made available for approval during subsequent fiscal years ending on or before June 30, 2025.~~

~~—4. Each transferable tax credit issued pursuant to sections 1 to 17, inclusive, of this act, expires 4 years after the date on which the transferable tax credit is issued to the lead participant. A transferable tax credit issued pursuant to sections 1 to 17, inclusive, of this act may be transferred only once. (Deleted by amendment.)~~

~~Sec. 15. 1. A qualified business that received a certificate of eligibility pursuant to section 13 of this act shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified business meets the eligibility requirements for any transferable tax credits issued pursuant to section 13 of this act.~~

~~—2. The qualified business shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the qualified business is not entitled if:~~

~~—(a) The qualified business submits any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits; or~~

~~—(b) The qualified business otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to sections 1 to 17, inclusive, of this act.~~

~~—3. Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.~~

~~4. The Secretary of State may, upon application by the Executive Director of the Office, revoke or suspend the state business license of the qualified business if the qualified project is required to repay any portion of transferable tax credits pursuant to subsection 2 and which the Office determines is not in compliance with the provisions of this section governing repayment. If the state business license of the qualified business is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the qualified business. The Secretary of State shall not reinstate a state business license suspended pursuant to this subsection or issue a new state business license to the qualified business whose state business license has been revoked pursuant to this subsection unless the Executive Director of the Office provides proof satisfactory to the Secretary of State that the qualified business is in compliance with the requirements of this section governing repayment.~~ **(Deleted by amendment.)**

Sec. 16. ~~1. The Office of Economic Development shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes, for the immediately preceding fiscal year:~~

~~(a) The number of applications submitted pursuant to section 11 of this act;~~

~~(b) The number of qualified businesses for which an application was approved;~~

~~(c) The amount of transferable tax credits approved;~~

~~(d) The amount of transferable tax credits used;~~

~~(e) The amount of transferable tax credits transferred;~~

~~(f) The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified business;~~

~~(g) The number of employees engaged in construction at each location in the Community where a qualified business is locating or expanding who are residents of Nevada and the number of employees employed by the qualified business at each such location who are residents of Nevada;~~

~~(h) The number of employees employed by the qualified business at each location in the Community where a qualified business is locating or expanding and the total amount of wages paid to those persons; and~~

~~(i) The number of residents of the Community participating in the programs described in paragraph (j) of subsection 2 of section 11 of this act.~~

~~2. Except as otherwise provided in subsection 3, in addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on December 19, 2020, and ending on June 30, 2025, the Office shall, not less frequently than every calendar quarter, prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding calendar quarter:~~

~~(a) The number of employees engaged in construction at each location in the Community where a qualified business is locating or expanding who are~~

~~residents of Nevada and the number of employees employed by the qualified business at each such location who are residents of Nevada;~~

~~—(b) The number of qualified employees employed by each participant in each qualified project and the total amount of wages paid to those persons; and~~

~~—(c) Any other information requested by the Legislature.~~

~~—3. The Office is not required to prepare and submit the report required by subsection 2 if, within 75 days after the end of the period covered by the report:~~

~~—(a) The Office receives an audit of the project for the period that would have been covered by the report; and~~

~~—(b) That audit contains the information required to be included in the report pursuant to paragraphs (a) and (b) of subsection 2.~~

~~—4. In addition to the reports required to be prepared and submitted pursuant to subsections 1 and 2, the Office shall, upon request, make available to the Legislature any information concerning a qualified business. The Office shall make available any information requested pursuant to this subsection within the period specified in the request.~~

~~—5. The Office shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau a copy of any agreement entered into by the Office and the qualified business not later than 30 days after the agreement is executed.~~

~~—6. Notwithstanding the provisions of any other specific statute, the information requested by the Legislature pursuant to this section may include information considered confidential for other purposes. If such confidential information is requested, the Office shall make the information available to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination.† (Deleted by amendment.)~~

~~Sec. 17. † For the purpose of encouraging local economic development, the governing body of a city or county in which a qualified business is locating or expanding may grant to any qualified business that received a certificate of eligibility pursuant to section 13 of this act an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 or 268 of NRS.~~

~~—2. Before granting any abatement pursuant to subsection 1, the governing body of the city or county must provide by ordinance for a pilot project for granting abatements to such businesses.~~

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

~~—(a) The number of qualified businesses locating or expanding within the jurisdiction of the governing body for which a certificate of eligibility for transferable tax credits was approved;~~

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

~~(c) The number of persons within the jurisdiction of the governing body that were employed by each qualified business that received a certificate of eligibility pursuant to section 13 of this act and the amount of wages paid to those persons. (Deleted by amendment.)~~

Sec. 18. ~~NRS 239.010 is hereby amended to read as follows:~~

~~239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 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, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 *and section 12 of this act* 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. (Deleted by amendment.)~~

Sec. 19. ~~[NRS 260.889 is hereby amended to read as follows:~~

~~260.889 1. On behalf of a project, the lead participant in the project may apply to the Office of Economic Development for]:~~

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

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

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

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

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

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

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

~~(a) Submit an application that meets the requirements of subsection 4;~~

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

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

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

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

~~(f) Provide documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to~~

~~obtaining a valid business license and all other permits required by the county, city or town in which the project operates;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—(o) Meet any other requirements prescribed by the Office.~~

~~3. In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial~~

~~abatement of the taxes described in [paragraph (b) of] subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection 4 on or before June 30, 2019, and provide documentation satisfactory to the Office that:~~

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

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

~~—(c) Each participant offers primary jobs and:~~

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

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

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

~~4. An application submitted pursuant to subsection 2 must include:~~

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

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

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

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

~~—(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project which:~~

~~—(1) Complies with the requirements of NRS 360.755;~~

~~—(2) States the date on which the partial abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;~~

~~— (3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and~~

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

~~— (f) Any other information required by the Office.~~

~~— 5. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:~~

~~— (a) A copy of the:~~

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

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

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

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

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

~~— 6. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.~~

~~— 7. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:~~

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

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

~~— 8. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.~~

~~9. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3 days and ensure that the Internet website allows members of the public to post comments regarding the approval.~~ **(Deleted by amendment.)**

Sec. 20. ~~NRS 360.893 is hereby amended to read as follows:~~

~~360.893 1. If the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted pursuant to [paragraph (b) of] subsection 1 of NRS 360.889, the Office shall immediately forward a certificate of eligibility for the partial abatement of the taxes described in that paragraph to:~~

~~(a) The Department;~~

~~(b) The Nevada Tax Commission; and~~

~~(c) The county treasurer of the county in which the qualified project will be located.~~

~~2. Except as otherwise provided in subsection 3, the partial abatement for the lead participant in the qualified project must:~~

~~(a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;~~

~~(b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and~~

~~(c) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals the amount of the local sales and use taxes that would otherwise be owed by each participant in the qualified project.~~

~~3. If the qualified project is a project located on more than one site in this State, the partial abatement for the lead participant must:~~

~~(a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;~~

~~(b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and~~

~~—(e) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals that portion of the combined rate of all the local sales and use taxes payable by each participant in the qualified project each year which exceeds 0.6 percent. The Department of Taxation shall issue to the lead participant a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.6 percent. As used in this paragraph, “local sales and use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act.~~

~~— Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted pursuant to [paragraph (b) of] subsection 1 of NRS 360.889 for a lead participant of a qualified project located on more than one site in this State, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the qualified project for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of the taxes imposed by NRS 374.110 and 374.190.~~

~~—4. As a condition of approving a partial abatement of taxes pursuant to NRS 360.880 to 360.896, inclusive, the Executive Director of the Office of Economic Development, if he or she determines it to be in the best interests of the State of Nevada, may require the lead participant to pay at such time or times as deemed appropriate, an amount of money equal to all or a portion of the abated taxes into a trust fund in the State Treasury to be held until all or a portion of the requirements for the partial abatement have been met. Interest and income earned on money in the trust fund must be credited to the trust fund. Any money remaining in the trust fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the trust fund must be carried forward to the next fiscal year. Money in the trust fund must not be used for any purpose other than the purposes set forth in subsections 5 and 6.~~

~~—5. If any assessment, or installment thereof, imposed on a qualified project pursuant to chapter 271 of NRS is delinquent, the money in the trust fund established pursuant to subsection 4 must:~~

~~—(a) First be used to repay the bonds or other obligations of the State which are issued in connection with the qualified project.~~

~~—(b) If any money remains in the trust fund after payments are made pursuant to paragraph (a), be used to repay bonds or other obligations of a municipality issued in connection with the qualified project.~~

~~—6. Upon a determination by the Executive Director of the Office of Economic Development that the requirements for the partial abatement have been met, the money in the trust fund established pursuant to subsection 4,~~

including any interest and income earned on the money during the time it was in the trust fund, must be returned to the lead participant. If the Executive Director of the Office of Economic Development determines that the requirements for the partial abatement have not been met:

~~—(a) Except as otherwise provided in this subsection:~~

~~—(1) The money in the trust fund established pursuant to subsection 4, after any payment made pursuant to subsection 5, must be transferred to the entity that would have received the money if the Office had not approved the partial abatement, as determined by the Department; and~~

~~—(2) Any amount of money in the trust fund used to repay bonds or other obligations of the State or municipality pursuant to subsection 5 must proportionally reduce the amount transferred to an entity pursuant to subparagraph (1).~~

~~—(b) The interest and income earned on the money in the trust fund during the time it was in the trust fund must be distributed to an entity receiving a distribution pursuant to paragraph (a) in the proportion that the money distributed to the entity pursuant to that paragraph bears to the total money distributed pursuant to that paragraph.~~

~~7. If the Office approves a partial abatement of local sales and use taxes, the Office shall issue to the lead participant in the qualified project a document certifying the partial abatement which can be presented to retailers at the time of sale. The document must clearly state the rate of sales and use taxes which the purchaser is required to pay in the county in which the abatement is effective. (Deleted by amendment.)~~

Sec. 21. [NRS 360.894 is hereby amended to read as follows:

~~360.894 1. The lead participant in a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets the eligibility requirements for [any transferable tax credits issued pursuant to NRS 360.891 and] the partial abatement of any taxes pursuant to NRS 360.893.~~

~~2. [The lead participant shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the lead participant is not entitled if:~~

~~(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Executive Director of the Office of Economic Development that the project is a qualified project;~~

~~(b) The participants in the qualified project collectively fail to employ the number of qualified employees identified in the certificate of eligibility approved for the qualified project;~~

~~(c) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits; or~~

~~—(d) The lead participant otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to NRS 360.880 to 360.896, inclusive.~~

~~—3. Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.~~

~~—4.] Notwithstanding any provision of this chapter or chapter 361 of NRS, if the lead participant in a qualified project for which a partial abatement has been approved pursuant to NRS 360.893 and is in effect:~~

~~—(a) Fails to meet the requirements for eligibility pursuant to that section; or~~

~~—(b) Ceases operation before the time specified in the agreement described in paragraph (c) of subsection 4 of NRS 360.889;~~

~~the lead participant shall repay to the Department or, if the partial abatement is from the property tax imposed by chapter 361 of NRS, to the appropriate county treasurer, the amount of the partial abatement that was allowed to the lead participant pursuant to NRS 360.893 before the failure of the lead participant to meet the requirements for eligibility. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the partial abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~[5.] 3. The Secretary of State may, upon application by the Executive Director of the Office, revoke or suspend the state business license of the lead participant in a qualified project which is required to repay [any portion of transferable tax credits pursuant to subsection 2 or] the amount of any partial abatement pursuant to subsection [4] 2 and which the Office determines is not in compliance with the provisions of this section governing repayment. If the state business license of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business license suspended pursuant to this subsection or issue a new state business license to the lead participant whose state business license has been revoked pursuant to this subsection unless the Executive Director of the Office provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.] (Deleted by amendment.)~~

Sec. 22. [NRS 360.895 is hereby amended to read as follows:

~~—360.895—1. The Office of Economic Development shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes:~~

~~—(a) For the immediately preceding fiscal year:~~

- ~~(1) The number of applications submitted pursuant to NRS 260.889;~~
- ~~(2) The number of qualified projects for which an application was approved;~~
- ~~(3) [The amount of transferable tax credits approved;~~
- ~~(4) The amount of transferable tax credits used;~~
- ~~(5) The amount of transferable tax credits transferred;~~
- ~~(6) The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified project;~~
- ~~(7) The number of partial abatements approved;~~
- ~~[(8)] (4) The dollar amount of the partial abatements;~~
- ~~[(9)] (5) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in a qualified project who are residents of Nevada;~~
- ~~[(10)] (6) The number of qualified employees employed by each participant in a qualified project and the total amount of wages paid to those persons; and~~
- ~~[(11)] (7) For each qualified project, an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project.~~
- ~~(b) For each partial abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years, 6 fiscal years, 10 fiscal years and 15 fiscal years immediately preceding the submission of the report:~~
- ~~(1) The dollar amount of the partial abatement;~~
- ~~(2) The value of infrastructure included as an incentive for the qualified project;~~
- ~~(3) The economic sector in which each participant in the qualified project operates, the number of primary jobs related to the qualified project, the average wage paid to employees employed by the participants in the qualified project and the assessed values of personal property and real property of the qualified project; and~~
- ~~(4) Any other information that the Office determines to be useful.~~
- ~~2. Except as otherwise provided in subsection 4, in addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on December 19, 2015, and ending on June 30, 2020, the Office shall, not less frequently than every calendar quarter, prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding calendar quarter:~~
- ~~(a) The dollar amount of the partial abatements approved for the lead participant in each qualified project;~~

~~—(b) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in each qualified project who are residents of Nevada;~~

~~—(c) The number of qualified employees employed by each participant in each qualified project and the total amount of wages paid to those persons;~~

~~—(d) For each qualified project an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project; and~~

~~—(e) Any other information requested by the Legislature.~~

~~—3. Except as otherwise provided in subsection 4, in addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on July 1, 2020, and ending on June 30, 2025, the Office shall, not less frequently than every 6 months, prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding 6 months, the information required to be included in a report prepared and submitted pursuant to subsection 2.~~

~~—4. The Office is not required to prepare and submit the report required by subsection 2 or 3 if, within 75 days after the end of the period covered by the report:~~

~~—(a) The Office receives an audit of the participants in the project for the period that would have been covered by the report; and~~

~~—(b) That audit contains the information required to be included in the report pursuant to paragraphs (a) to (d), inclusive, of subsection 2.~~

~~—5. In addition to the reports required to be prepared and submitted pursuant to subsections 1 and 2, the Office shall, upon request, make available to the Legislature any information concerning a qualified project or any participant in a qualified project. The Office shall make available any information requested pursuant to this subsection within the period specified in the request.~~

~~—6. The Office shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau a copy of any agreement entered into by the Office and the lead participant not later than 30 days after the agreement is executed.~~

~~—7. Notwithstanding the provisions of any other specific statute, the information requested by the Legislature pursuant to this section may include information considered confidential for other purposes. If such confidential information is requested, the Office shall make the information available to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination. **(Deleted by amendment.)**~~

Sec. 23. [NRS 360.896 is hereby amended to read as follows:

~~—360.896 1. For the purpose of encouraging local economic development, the governing body of a city or county in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local~~

government is authorized to impose or charge pursuant to chapter 244 or 268 of NRS.

~~—2— Before granting any abatement pursuant to subsection 1, the governing body of the city or county must provide by ordinance for a pilot project for granting abatements to participants in a qualified project.~~

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

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

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

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

Sec. 24. ~~[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.] (Deleted by amendment.)~~

Sec. 25. ~~[NRS 360.891 and 360.892 are hereby repealed.] (Deleted by amendment.)~~

Sec. 26. ~~[This act becomes effective on July 1, 2019, and expires by limitation on June 30, 2032.] (Deleted by amendment.)~~

‡

~~TEXT OF REPEALED SECTIONS~~

~~360.891 Approval of application for certificate of eligibility for transferable tax credits; issuance of certificate; computation of amount of transferable tax credits which may be approved for qualified project.~~

~~—1— If the Office of Economic Development approves an application for a certificate of eligibility for transferable tax credits submitted pursuant to paragraph (a) of subsection 1 of NRS 360.889, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to this section to:~~

~~—(a) The lead participant in the qualified project;~~

~~—(b) The Department; and~~

~~—(c) The Nevada Gaming Control Board.~~

~~—2— Within 14 business days after receipt of an audit provided by the lead participant in the qualified project pursuant to paragraph (l) of subsection 2 of NRS 360.889 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for~~

~~the transferable tax credits have been met, the Office shall notify the lead participant in the qualified project that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the lead participant in the qualified project shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subparagraphs (1), (2) and (3) of paragraph (a) of subsection 1 of NRS 360.889, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the lead participant a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration. The lead participant shall notify the Department upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subparagraphs (1), (2) and (3) of paragraph (a) of subsection 1 of NRS 360.889. The Department shall notify the Office and the Nevada Gaming Control Board of the amount of any transferable tax credits transferred.~~

~~3. A qualified project may be approved for a certificate of eligibility for transferable tax credits in the amount of \$9,500 for each qualified employee, up to a maximum of 4,000 qualified employees.~~

~~4. For the purpose of computing the amount of transferable tax credits for which a qualified project is eligible pursuant to subsection 3:~~

~~(a) Each qualified employee must be:~~

~~(1) Employed by a participant at the site of the qualified project.~~

~~(2) Employed full time and scheduled to work for an average minimum of 30 hours per week.~~

~~(3) Employed for at least the last 3 consecutive months of the fiscal year.~~

~~(4) Offered coverage under a plan of health insurance provided by his or her employer.~~

~~(b) The wages for federal income tax purposes reported or required to be reported on Form W-2 of the qualified employees of the qualified project must be paid at an average rate of \$22 per hour.~~

~~(c) An employee engaged solely in the construction of the qualified project is deemed not to be a qualified employee.~~

~~360.892 Limitations on amounts of transferable tax credits which may be issued by Office of Economic Development.~~

~~1. Except as otherwise provided in this section, the Office of Economic Development shall not approve transferable tax credits:~~

~~(a) For Fiscal Year 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024 or 2024-2025, if approval of the transferable tax credits would cause the total amount of transferable tax credits issued pursuant to NRS 360.880 to 360.896, inclusive, in that Fiscal Year to exceed \$7,600,000.~~

~~(b) For a fiscal year beginning on or after July 1, 2025.~~

~~2. The total amount of transferable tax credits issued pursuant to NRS 360.880 to 360.896, inclusive, to all qualified projects in this State must not exceed \$38,000,000.~~

~~3. If in any fiscal year the Office does not approve an amount of transferable tax credits equal to the total amount authorized by paragraph (a) or (b) of subsection 1, the remaining amount of transferable tax credits must be carried forward and made available for approval during subsequent fiscal years ending on or before June 30, 2025.~~

~~4. Each transferable tax credit issued pursuant to NRS 360.880 to 360.896, inclusive, expires 4 years after the date on which the transferable tax credit is issued to the lead participant. A transferable tax credit issued pursuant to NRS 360.880 to 360.896, inclusive, may be transferred only once.~~

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 387.

Bill read second time.

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

Amendment No. 428.

ASSEMBLYMEN FRIERSON, ~~(AND)~~ BACKUS ; AND CARRILLO.

AN ACT relating to mental health; establishing a task force to develop a program to prevent the relinquishment of custody of certain children to an agency which provides child welfare services or the voluntary placement of such children with a public or private agency or institution because of a need for services for a mental illness or emotional disturbance; requiring an agency which provides child welfare services to ~~annually~~ report ~~to the Department of Health and Human Services~~ certain information concerning the relinquishment of custody of children to the agency, ~~to~~ and the voluntary placement of children with the agency; requiring the Department to ~~annually~~ report to the Legislature certain information concerning such relinquishment and placement and the effectiveness of the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements concerning the treatment of a child with an emotional disturbance. (NRS 433B.290-433B.339) **Section 3** of this bill requires the Director of the Department of Health and Human Services to establish a task force to develop a program to prevent the relinquishment of custody of children to an agency which provides child welfare services and the voluntary placement of children with a public or private agency or institution solely to allow the children to receive services to address a mental illness or emotional disturbance. **Section 4** of this bill requires the task force to adopt procedures for: (1) conducting reviews and arranging the provision of

services under the program; (2) increasing the availability of certain services; and (3) providing outreach and education to parents and providers of mental health services concerning the program. **Section 4** additionally requires the Department to adopt regulations that identify the manner in which the cost of providing such services will be paid. **Section 5** of this bill requires the Director to establish one or more clinical teams to review the cases of certain children who are at risk of the relinquishment of custody to an agency which provides child welfare services **or the voluntary placement of such children with a public or private agency or institution** solely to allow the children to receive services for a mental illness or emotional disturbance. **Section 5** requires a clinical team to develop a plan of care for each such child and arrange for the provision of: (1) the services necessary to stabilize the condition of each such child while the plan of care is being developed; and (2) the services outlined in the plan of care. **Section 6** of this bill requires: (1) each agency which provides child welfare services in this State to annually report to the Department certain information concerning the relinquishment of children to the agency; and (2) the Department to submit an annual report to the Legislature that contains certain information concerning such relinquishment and the effectiveness of the program. **Section 7.5 of this bill requires similar reporting on or before July 1, 2020, of information concerning the immediately preceding 3 years.** **Section 7** 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 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, 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. *The Director of the Department of Health and Human Services shall establish a task force to develop a program to prevent the relinquishment of custody of children who are not abused or neglected to an agency which provides child welfare services or the voluntary placement of such children with a public or private institution or agency pursuant to NRS 432B.360 solely to allow the children to receive services to address a mental illness or emotional disturbance. The Director shall appoint to the task force representatives of:*

- (a) The Division of Child and Family Services of the Department;*
- (b) The Aging and Disability Services Division of the Department;*
- (c) The Division of Public and Behavioral Health of the Department; and*
- (d) The Division of Health Care Financing and Policy of the Department.*

2. *In addition to the members appointed pursuant to subsection 1:*

(a) The Superintendent of Public Instruction shall appoint to the task force one representative of the Department of Education; and

(b) The person in charge of each agency which provides child welfare services in a county whose population is 100,000 or more shall appoint to the task force one representative of the agency.

3. Each member of the task force serves without additional compensation and is not entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each member of the task force who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the task force and perform any work necessary to carry out the duties of the task force 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 task force to make up the time the officer or employee is absent from work to carry out duties as a member of the task force or use annual vacation or compensatory time for the absence.

Sec. 4. 1. The task force shall:

(a) Prescribe procedures for conducting the review by a clinical team appointed pursuant to section 5 of this act and the arrangement of the provision of services pursuant to that section;

(b) Develop and carry out procedures to increase the availability of the services described in subsection 3 of section 5 of this act throughout this State to allow children to receive those services in or near their homes;

(c) Provide for outreach to and the education of parents and providers of mental health services concerning the services available through the program ~~and~~ developed pursuant to section 3 of this act; and

(d) Make recommendations to the Department concerning the adoption of any regulations necessary to carry out the provisions of sections 2 to 6, inclusive, of this act.

2. The Department of Health and Human Services shall adopt any regulations necessary to carry out the provisions of sections 2 to 6, inclusive, of this act, including, without limitation, regulations that set forth the manner in which the cost of providing services pursuant to section 5 of this act will be paid. Those regulations must require the parent or guardian of a child to whom services are provided to use any insurance and otherwise contribute to the cost of such services to the extent of his or her ability.

Sec. 5. As part of the program established pursuant to section 3 of this act, the Director of the Department shall appoint one or more clinical teams to:

1. Review each case of a child who:

(a) Has been admitted to a hospital or mental health facility;

(b) Has not been subject to abuse or neglect; and

(c) Is at risk of the relinquishment of custody to an agency which provides child welfare services or the voluntary placement with a public or private

institution or agency pursuant to NRS 432B.360 solely to allow the child to receive services for a mental illness or emotional disturbance.

2. *Develop a plan of care for each child described in subsection 1 that outlines the services necessary to treat the mental illness or emotional disturbance of the child and prevent the relinquishment of custody ~~of~~ or the voluntary placement of the child.*

3. *Arrange for the provision of:*

(a) *Services necessary to stabilize the mental ~~illness~~ and physical health of the child for not more than 90 days while the plan of care is being developed. Such services may include, without limitation, intensive community-based services or placement in a residential facility.*

(b) *The services prescribed in the plan of care developed pursuant to subsection 2.*

Sec. 6. 1. *On or before January 15 of each year, each agency which provides child welfare services in this State shall report to the Department:*

(a) *The number of children who were relinquished to the agency or voluntarily placed with the agency pursuant to NRS 432B.360 during the immediately preceding year because the children needed services for a mental illness or emotional disturbance; and*

(b) *Information prescribed by regulation of the Department concerning the length of time the services were provided to such children and the status of the children upon the termination of services.*

2. *On or before ~~January 31~~ February 15 of each year, the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding calendar year:*

(a) *A summary of the information reported to the Department pursuant to subsection 1;*

(b) *The number of children who received services pursuant to section 5 of this act and the services that were provided;*

(c) *The number of children described in paragraph (b) who were relinquished to the agency which provides child welfare services or voluntarily placed with the agency which provides child welfare services pursuant to NRS 432B.360 despite the services provided to those children; and*

(d) *Information concerning the length of time that services to stabilize a child were provided pursuant to subsection 3 of section 5 of this act.*

Sec. 7. NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

- (a) The Superintendent of the Nevada Youth Training Center;
- (b) The Superintendent of the Caliente Youth Center; and
- (c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, and 433B.010 to 433B.340, inclusive, **and sections 2 to 6, inclusive, of this act** and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 7.5. 1. On or before July 1, 2020, each agency which provides child welfare services shall submit to the task force established by section 3 of this act and the Department of Health and Human Services a report which includes, without limitation:

(a) The number of children for whom custody was relinquished to the agency or who were voluntarily placed with the agency pursuant to NRS 432B.360 during the immediately preceding 3 years because the children needed services for a mental illness or emotional disturbance.

(b) Information concerning the length of time that the agency provided services to the children described in paragraph (a) and the status of the children upon the termination of such services. The information provided pursuant to this paragraph must include, without limitation:

(1) The information prescribed by regulation of the Department pursuant to paragraph (b) of subsection 1 of section 6 of this act; and

(2) The length of time that services were provided to stabilize the children.

(c) The number of children described in paragraph (a) who remain in the custody of or placed with the agency.

2. On or before July 31, 2020, the Department of Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Child Welfare and Juvenile Justice and the next regular session of the Legislature a report that summarizes the information submitted to the Department pursuant to subsection 1.

3. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. ~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~
(Deleted by amendment.)

Sec. 10. 1. This section and sections 6 and 7.5 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 7, 8 and 9 of this act ~~becomes~~ become effective:

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

~~††~~ (b) On ~~October~~ July 1, 2019, 2021, 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. 393.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 308.

SUMMARY—Providing protections to certain governmental **and tribal** employees and certain other persons during a government shutdown. (BDR 3-1015)

AN ACT relating to governmental administration; prohibiting the foreclosure of real property or a lien against a unit in a common-interest community owned by a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown in certain circumstances; providing certain protections to a tenant who is a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown; prohibiting a person from repossessing the vehicle of a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown; authorizing the provision of assistance in paying for natural gas and electricity to a federal worker, **tribal worker**, state worker or household member of such a worker during a government shutdown; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Federal Employees Civil Relief Act, which is pending before Congress, proposes to provide relief to federal employees and employees of contractors during a lapse in appropriations for any federal agency or department by suspending the enforcement of certain civil liabilities of such employees during the lapse. (S. 72, 116th Cong. (2019)) This bill generally enacts similar provisions in state law intended to provide certain protections to federal workers, **tribal workers**, state workers and household members of such workers during a lapse in appropriations at the state or federal level ~~††~~ **or for the tribal government.** This bill defines the following terms: (1) “federal worker” to mean an employee of a federal agency or an employee of a contractor who has entered into a contract with a federal agency; (2) **“tribal worker” to mean an employee of a federally recognized Nevada Indian tribe that receives at least a majority of its funding from the Federal Government or an employee of a contractor who has entered into a contract with such a tribe;** (3) “state worker” to mean an employee of a state

agency or an employee of a contractor who has entered into a contract with a state agency; and ~~(3)~~ **(4)** “shutdown” to mean any period in which there is a lapse in appropriations for a federal or state agency **or tribal government** that continues through any unpaid payday for a federal worker, **tribal worker** or state worker employed by that agency, ~~or~~ **or government.**

Section 6 of this bill provides that if a mortgagor or grantor of a deed of trust under a residential mortgage loan is a federal worker, **tribal worker**, state worker or, in certain circumstances, a household member **or landlord** of such a worker, a person is prohibited from conducting a foreclosure sale during the period commencing on the date that a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends. **Section 6** also provides that in any civil action for a foreclosure sale that is filed during that period against a federal worker, **tribal worker** or state worker or, if applicable, a household member **or landlord** of such a worker, the court is authorized or required, depending on the circumstances, to stay the proceedings in the action for a certain period or issue an order that conserves the interests of the parties unless the court determines that the ability of the federal worker, **tribal worker**, state worker or household member **or landlord** of such a worker to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown. **Section 6** further provides that any such protection against foreclosure only applies to a residential mortgage loan that was secured before the shutdown. ~~Finally, section~~ **Section 6** provides that any person who knowingly conducts a foreclosure sale in violation of the provisions of **section 6** is guilty of a misdemeanor and is liable for actual damages, reasonable attorney’s fees and costs incurred by the injured party. This protection against foreclosure provided by **section 6** is similar to that provided in existing law to a servicemember on active duty or deployment. (NRS 40.439) ~~Section 12 of this bill makes a conforming change.~~ **Existing law requires that a servicemember receive notice of such protections before a notice of default and election to sell is recorded for a trustee’s sale or before the commencement of a civil action for a foreclosure sale. (NRS 107.500) Section 12 of this bill extends this requirement to provide notice of the similar protections to a federal worker, tribal worker or state worker or household member or landlord of such a worker in relation to a shutdown.**

Section 13 of this bill applies the applicable provisions set forth in **section 6** to the foreclosure of a lien of a unit-owners’ association against a unit in a common-interest community and provides that if a unit’s owner or his or her successor in interest is a federal worker, **tribal worker** or state worker or, in certain circumstances, a household member **or landlord** of such a worker, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period between the commencement of a shutdown and 90 days after the end of a shutdown. **Section 13** also requires a unit-owners’ association to: (1) inform each unit’s owner or his or her successor in interest that if the person is a federal worker, **tribal worker**, state worker or household member

or landlord of such a worker, he or she may be entitled to certain protections pursuant to **section 13**; and (2) give the person the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in **section 13**. **Section 13** also requires that before an association takes certain action relating to the foreclosure of a lien by sale, the association must, if such information is provided, verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in **section 13** or, if such information is not provided, make a good faith effort to verify whether a unit's owner or his or her successor in interest is entitled to such protections. This protection against foreclosure provided by **section 13** is similar to that provided to a servicemember on active duty or deployment. (NRS 116.311625)

Existing law prescribes criteria for unlawful detainer by a tenant of real property, a recreational vehicle or a mobile home. (NRS 40.251, 40.2512) **Section 7** of this bill: (1) authorizes a tenant who is a federal worker, **tribal worker**, state worker or household member of such a worker to request to be allowed to continue in possession of real property or a dwelling unit during a shutdown and for a period of not more than 30 days after the shutdown; and (2) requires a landlord who receives such a request to allow the tenant to remain in possession of the property or unit during that period. **Section 8** of this bill provides that a tenant who provides to a landlord proof that he or she is a federal worker, **tribal worker**, state worker or household member of such a worker during a shutdown is not guilty of unlawful detainer.

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises defaults in the payment of rent. (NRS 40.253) **Section 9** of this bill provides that the summary eviction procedure does not apply to a tenant who provides proof to the landlord that he or she is a federal worker, **tribal worker**, state worker or household member of such a worker during a shutdown.

Existing law prescribes basic obligations of a tenant, which include requiring a tenant to comply with the terms of a rental agreement. (NRS 118A.310) **Section 20** of this bill makes any term of a rental agreement requiring the payment of rent at a specified time unenforceable against a tenant who is a federal worker, **tribal worker**, state worker or household member of such a worker during a shutdown. **Section 20** also requires a landlord to accept payment of rent for the period in which a federal or state agency **or tribal government** was experiencing a shutdown for a period not to exceed 30 days after the end of the shutdown. **Section 21** of this bill prohibits a landlord from taking certain retaliatory action against a tenant who pays rent in the period prescribed in **section 20**.

Section 18.7 of this bill authorizes a landlord to petition the court for relief from the protections for federal workers, tribal workers, state workers and certain household members of such workers prescribed in sections 6 and 20 if: (1) a shutdown continues for a period of 30 days or more; and (2) the requirements prescribed by sections 6 and 20 impose an

undue hardship on the landlord. Section 18.7 provides that if the court grants relief from these provisions: (1) the parties may modify the terms of the rental agreement; or (2) the landlord may terminate the rental agreement and commence eviction proceedings. Sections 7-9, 20 and 21 make conforming changes.

Sections 26 and 27 of this bill prohibit a landlord of a manufactured home park from charging any late fee for a late rental payment by a federal worker, **tribal worker**, state worker or household member of such a worker during a shutdown. Section 28 of this bill prohibits a landlord of a manufactured home park from terminating a rental agreement for failure of the tenant to pay rent if the tenant provides proof to the landlord that he or she is a federal worker, **tribal worker**, state worker or household member of such a worker during a shutdown. Section 29 of this bill prohibits a landlord from taking certain retaliatory action against a tenant who provides such proof.

Section 30 of this bill prohibits a person from repossessing the vehicle of a federal worker, **tribal worker**, state worker or household member of such a worker **who provides proof that he or she is such a person** during a shutdown or for a period of 30 days immediately after the end of a shutdown. Section 30 provides that any person who knowingly repossesses a vehicle in violation of the provisions of section 30 is guilty of a misdemeanor and is liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. **Existing law requires that certain notice be provided before a vehicle repossessed pursuant to a security agreement may be sold. (NRS 482.516) Section 30.5 of this bill requires that information about the protections provided by section 30 be included in that notice.**

Existing law authorizes the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist eligible households in paying for natural gas and electricity. (NRS 702.260) Section 31 of this bill makes households that include at least one federal worker, **tribal worker** or state worker eligible for such assistance during a shutdown.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 ~~4 and 5~~ to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Federal worker” means an employee of a federal agency or an employee of a contractor who has entered into a contract with a federal agency.*

Sec. 3.5. *“Qualified Indian tribe” means a federally recognized Nevada Indian tribe that receives at least a majority of its funding from the Federal Government.*

Sec. 4. “Shutdown” means any period in which there is a lapse in appropriations for a federal or state agency or tribal government that continues through any unpaid payday for a federal worker, ~~or~~ state worker or tribal worker employed by that agency ~~or~~ tribal government.

Sec. 5. “State worker” means an employee of a state agency or an employee of a contractor who has entered into a contract with a state agency.

Sec. 5.5. “Tribal worker” means an employee of a qualified Indian tribe or an employee of a contractor who has entered into a contract with a qualified Indian tribe.

Sec. 6. 1. Notwithstanding any other provision of law and except as otherwise ordered by a court of competent jurisdiction, if a borrower provides proof that he or she is a federal worker ~~or~~, tribal worker or state worker or, in accordance with subsection 5, a household member or landlord of such a worker, a person shall not initiate or direct or authorize another person to initiate a foreclosure sale during the period commencing on the date on which a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends.

2. Except as otherwise provided in subsection 3, in any civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan that is filed against a federal worker ~~or~~, tribal worker or state worker or, in accordance with subsection 5, a household member or landlord of such a worker, during a shutdown or during the 90-day period immediately after the end of a shutdown, the court may, on its own motion after a hearing, or shall, on a motion or on behalf of the federal worker, tribal worker, state worker or household member or landlord of such a worker, as applicable, do one or both of the following:

(a) Stay the proceedings in the action until at least 90 days after the end of the shutdown; or

(b) Adjust the obligation to preserve the interests of the parties.

3. The provisions of subsection 2 do not apply if the court determines that the ability of the federal worker, tribal worker, state worker or household member or landlord of such a worker to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown.

4. The provisions of this section apply only to a residential mortgage loan that was secured by a federal worker ~~or~~, tribal worker or state worker or, in accordance with subsection 5, a household member or landlord of such a worker, before the shutdown.

5. Upon application to the court, a household member or landlord of such a worker is entitled to the protections provided to a federal worker ~~or~~ tribal worker or state worker pursuant to this section if the ability of the household member or landlord of such a worker to make payments required by a residential mortgage loan is materially affected by the shutdown.

6. *Except as otherwise provided in subsection 7, any person who knowingly initiates or directs or authorizes another person to initiate a foreclosure sale in violation of this section:*

(a) *Is guilty of a misdemeanor; and*

(b) *May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.*

7. *The provisions of subsection 6 do not apply to a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person.*

8. *In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated or directed or authorized another person to initiate the foreclosure sale.*

9. *As used in this section:*

(a) *"Borrower" has the meaning ascribed to it in NRS 107.410.*

(b) *"Initiate a foreclosure sale" means to commence a civil action for a foreclosure sale pursuant to NRS 40.430 or, in the case of the exercise of a trustee's power of sale pursuant to NRS 107.080 and 107.0805, to execute and cause to be recorded in the office of the county recorder a notice of the breach and of the election to sell or cause to be sold the property pursuant to paragraph (b) of subsection 2 of NRS 107.080 and paragraph (b) of subsection 1 of NRS 107.0805.*

(c) *"Residential mortgage loan" has the meaning ascribed to it in NRS 107.450.*

(d) *"Trustee" means a person described in NRS 107.028.*

Sec. 7. NRS 40.251 is hereby amended to read as follows:

40.251 1. A tenant of real property, a recreational vehicle or a mobile home for a term less than life is guilty of an unlawful detainer when having leased:

(a) Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved, the tenant continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice of:

(1) For tenancies from week to week, at least 7 days;

(2) Except as otherwise provided in subsection 2, for all other periodic tenancies, at least 30 days; or

(3) For tenancies at will, at least 5 days.

(b) A dwelling unit subject to the provisions of chapter 118A of NRS, the tenant continues in possession, in person or by subtenant, without the landlord's consent after expiration of:

(1) The term of the rental agreement or its termination and, except as otherwise provided in subparagraph (2), the expiration of a notice of:

(I) At least 7 days for tenancies from week to week; and

(II) Except as otherwise provided in subsection 2, at least 30 days for all other periodic tenancies; or

(2) A notice of at least 5 days where the tenant has failed to perform the tenant's basic or contractual obligations under chapter 118A of NRS.

(c) A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215, the tenant continues in possession, in person or by subtenant, without the landlord's consent:

(1) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or

(2) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.

(d) A recreational vehicle lot, the tenant continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.

2. Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1, other than a tenancy from week to week, is 60 years of age or older or has a physical or mental disability, the tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1 by submitting a written request for an extended period and providing proof of the tenant's age or disability. A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. *Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1 is a federal worker, tribal worker, state worker or household member of such a worker, the tenant may request to be allowed to continue in possession during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends by submitting a written request for the extended period and providing proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during the shutdown.*

4. ~~4.~~ *Except as otherwise provided in section 18.7 of this act, a landlord who receives a request from a tenant pursuant to subsection 3 shall allow a tenant to continue in possession for the period requested.*

5. Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of ~~subsection~~ *subsections 2 ~~+~~, 3 and 4.*

~~4.~~ 6. If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. If the tenant submits proof to the court that the tenant is entitled to request such an extension, the court may grant the petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court

denies the petition, the tenant must be allowed to continue in possession for 5 calendar days following the date of entry of the order denying the petition.

Sec. 8. NRS 40.2512 is hereby amended to read as follows:

40.2512 ~~{A}~~

1. Except as otherwise provided in subsection 2, a tenant of real property or a mobile home for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after default in the payment of any rent and after a notice in writing, requiring in the alternative the payment of the rent or the surrender of the detained premises, remains uncomplied with for a period of 5 days, or in the case of a mobile home lot, 10 days after service thereof. The notice may be served at any time after the rent becomes due.

2. ~~File~~ Except as otherwise provided in section 18.7 of this act, the provisions of subsection 1 do not apply to a person who provides to the landlord proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

Sec. 9. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➔ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

- (a) Identify the court that has jurisdiction over the matter; and
- (b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

- (1) The date the tenancy commenced.
- (2) The amount of periodic rent reserved.
- (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.
- (4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to

the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. ~~This~~ **Except as otherwise provided in section 18.7 of this act, this section does not apply to the**:

(a) **The** tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) **A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.**

Sec. 10. NRS 40.426 is hereby amended to read as follows:

40.426 As used in NRS 40.426 to 40.495, inclusive, **and section 6 of this act** unless the context otherwise requires, the words and terms defined in NRS 40.427, 40.428 and 40.429 have the meanings ascribed to them in those sections.

Sec. 11. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 40.439, 107.085 , ~~and~~ 107.086 ~~+~~ **and section 6 of this act**, the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, **and section 6 of this act**, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Sec. 12. NRS 107.500 is hereby amended to read as follows:

107.500 1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice

addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:

(a) A statement that if the borrower is ~~is~~ :

(1) A servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq., and NRS 40.439 regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(2) ***A federal worker, tribal worker, state worker or a household member or landlord of such a worker, he or she may be entitled to certain protections under section 6 of this act.***

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.

2. Unless a borrower has exhausted the process described in NRS 107.520 and 107.530 for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

3. *As used in this section:*

(a) *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

(b) *"State worker" has the meaning ascribed to it in section 5 of this act.*

(c) *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 13. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any other provision of law and except as otherwise provided in subsection 2 or ordered by a court of competent jurisdiction, if a unit's owner or his or her successor in interest is a federal worker, tribal worker or state worker or, in accordance with subsection 3, a household member or landlord of a federal worker, tribal worker or state worker, an association shall not initiate the foreclosure of a lien by sale during the period commencing on the date on which a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends.*

2. *The provisions of subsection 1 do not apply if a court determines that the ability of the federal worker, tribal worker, state worker, ~~for~~ household member or landlord to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown.*

3. *Upon application to the court, a household member or landlord of a federal worker, tribal worker or state worker is entitled to the protections provided to a federal worker, tribal worker or state worker pursuant to this section if the ability of the household member or landlord to make payments required by a lien of a unit-owners' association is materially affected by the shutdown.*

4. *An association shall:*

(a) *Inform each unit's owner or his or her successor in interest that if the person is a federal worker, tribal worker, state worker, ~~for~~ household member or landlord of such a worker, he or she may be entitled to certain protections pursuant to this section; and*

(b) *Give the person the opportunity to provide any information required to enable the association to verify whether he or she is entitled to the protections set forth in this section.*

5. *Before an association takes any action pursuant to paragraph (a) of subsection 4 of NRS 116.31162, if information required to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section:*

(a) *Has been provided to the association pursuant to subsection 4, the association must verify whether the person is entitled to the protections set forth in this section.*

(b) *Has not been provided to the association pursuant to subsection 4, the association must make a good faith effort to verify whether the person is entitled to the protections set forth in this section.*

6. *Any person who knowingly initiates the foreclosure of a lien by sale in violation of this section:*

(a) *Is guilty of a misdemeanor; and*

(b) *May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.*

7. *In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated the foreclosure of the lien by sale.*

8. *As used in this section:*

(a) *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

(b) *"Good faith effort" means that an association acts honestly and fairly when trying to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section, as evidenced by the following actions:*

(1) *The association informs the unit's owner or his or her successor in interest of the information required pursuant to paragraph (a) of subsection 4;*

(2) *The association makes reasonable efforts to give the unit's owner or his or her successor in interest the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in this section pursuant to paragraph (b) of subsection 4; and*

(3) *The association makes reasonable efforts to utilize all resources available to the association to verify whether the unit's owner or his or her successor in interest is a federal worker, tribal worker, state worker or household member or landlord of such a worker.*

(c) *“Initiate the foreclosure of a lien by sale” means to take any action in furtherance of foreclosure of a lien by sale after taking the actions set forth in paragraph (a) of subsection 4 of NRS 116.31162.*

(d) *“Shutdown” has the meaning ascribed to it in section 4 of this act.*

(e) *“State worker” has the meaning ascribed to it in section 5 of this act.*

(f) “Tribal worker” has the meaning ascribed to it in section 5.5 of this act.

Sec. 14. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, **and section 13 of this act**, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit or, if authorized by the parties, delivered by electronic transmission, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing or delivering by electronic transmission the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which

states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested or delivered by electronic transmission, as applicable, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

↳ whichever date occurs later.

4. An association may not mail or deliver by electronic transmission to a unit's owner or his or her successor in interest a letter of its intent to mail or deliver by electronic transmission a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail or deliver by electronic transmission the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless the association has complied with the provisions of subsections 4 and 5 of NRS 116.311625 and ~~†~~ **subsections 4 and 5 of section 13 of this act and:**

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner or, if authorized by the parties, delivers by electronic transmission:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed or delivered by electronic transmission, as applicable, the past due obligation has not been paid in full or the unit's owner or his or

her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed or delivered by electronic transmission, as applicable, and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:

(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 11 of NRS 107.086.

Sec. 15. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~16, 17 and 18~~ **to 18.7, inclusive**, of this act.

Sec. 16. *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

Sec. 17. *"Shutdown" has the meaning ascribed to it in section 4 of this act.*

Sec. 18. *"State worker" has the meaning ascribed to it in section 5 of this act.*

Sec. 18.5. *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 18.7. *1. If a shutdown continues for a period of 30 days or more, the landlord may petition the court for relief from the requirements prescribed in subsection 4 of NRS 40.251 and subsection 2 of NRS 118A.310 on the basis that the requirements impose an undue hardship on the*

landlord. In determining whether to grant relief from these requirements, the court may consider, without limitation:

- (a) The mortgage on the property and the risk of foreclosure; and
- (b) Any additional financial responsibilities of the landlord, including, without limitation:
 - (1) Child support or alimony;
 - (2) Educational costs which must be paid by the landlord;
 - (3) Motor vehicle payments, student loans, medical bills and payment plans; and
 - (4) Any costs associated with the continued operation of a business of the landlord.

2. If the court grants relief pursuant to subsection 1:

- (a) The parties may modify the terms of the rental agreement; or
- (b) The landlord may terminate the rental agreement and commence eviction proceedings in accordance with the provisions of chapter 40 of NRS.

Sec. 19. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.170, inclusive, **and sections 16 ~~[, 17 and 18]~~ to 18.5, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 20. NRS 118A.310 is hereby amended to read as follows:

118A.310 **1.** A tenant shall, as basic obligations under this chapter:

~~1. Comply~~

(a) Except as otherwise provided in subsection 2, comply with the terms of the rental agreement;

~~2.~~ **(b)** Keep that part of the premises which is occupied and used as clean and safe as the condition of the premises permit;

~~3.~~ **(c)** Dispose of all ashes, garbage, rubbish and other waste from the dwelling unit in a clean and safe manner;

~~4.~~ **(d)** Keep all plumbing fixtures in the dwelling unit as clean as their condition permits;

~~5.~~ **(e)** Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, in the premises;

~~6.~~ **(f)** Not deliberately or negligently render the premises uninhabitable or destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so; and

~~7.~~ **(g)** Conduct himself or herself and require other persons on the premises with his or her consent to conduct themselves in a manner that will not disturb a neighbor's peaceful enjoyment of the premises.

2. ~~Any~~ Except as otherwise provided in section 18.7 of this act:

(a) Any term of a rental agreement requiring the payment of rent at a specified time pursuant to NRS 118A.210 is unenforceable against a tenant who is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

(b) If the terms of a rental agreement require the payment of rent at a specified time, the landlord shall accept payment of rent for the period in which a federal or state agency or tribal government was experiencing a shutdown from such a tenant for a period not to exceed 30 days after the end of the shutdown.

Sec. 21. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant;

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws; ~~or~~

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence, harassment, sexual assault or stalking or terminates a rental agreement pursuant to NRS 118A.345 ~~or~~; **or**

(i) ~~The~~ **Except as otherwise provided in section 18.7 of this act, the tenant is a federal worker, tribal worker, state worker or household member of such a worker and the tenant pays rent during the time specified in subsection 2 of NRS 118A.310.**

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

↪ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in NRS 118A.345.

(b) "Domestic violence" has the meaning ascribed to it in NRS 118A.345.

(c) "Harassment" means a violation of NRS 200.571.

(d) "Household member" has the meaning ascribed to it in NRS 118A.345.

(e) "Sexual assault" means a violation of NRS 200.366.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 22. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 23, 24 and 25 of this act.

Sec. 23. *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

Sec. 24. *"Shutdown" has the meaning ascribed to it in section 4 of this act.*

Sec. 25. *"State worker" has the meaning ascribed to it in section 5 of this act.*

Sec. 25.5. *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 26. NRS 118B.140 is hereby amended to read as follows:

118B.140 1. Except as otherwise provided in subsection 2, the landlord or his or her agent or employee shall not:

(a) Require a person to purchase a manufactured home from the landlord or any other person as a condition to renting a manufactured home lot to the purchaser or give an adjustment of rent or fees, or provide any other incentive to induce the purchase of a manufactured home from the landlord or any other person.

(b) Charge or receive:

(1) Any entrance or exit fee for assuming or leaving occupancy of a manufactured home lot.

(2) Any transfer or selling fee or commission as a condition to permitting a tenant to sell his or her manufactured home or recreational vehicle within the

manufactured home park, even if the manufactured home or recreational vehicle is to remain within the park, unless the landlord is licensed as a dealer of manufactured homes pursuant to NRS 489.311 and has acted as the tenant's agent in the sale pursuant to a written contract.

(3) Any fee for the tenant's spouse or children.

(4) Any fee for pets kept by a tenant in the park. If special facilities or services are provided, the landlord may also charge a fee reasonably related to the cost of maintenance of the facility or service and the number of pets kept in the facility.

(5) Any additional service fee unless the landlord provides an additional service which is needed to protect the health and welfare of the tenants, and written notice advising each tenant of the additional fee is sent to the tenant 90 days in advance of the first payment to be made, and written notice of the additional fee is given to prospective tenants on or before commencement of their tenancy. A tenant may only be required to pay the additional service fee for the duration of the additional service.

(6) Any fee for a late monthly rental payment within 4 days after the date the rental payment is due or which exceeds \$5 for each day, excluding Saturdays, Sundays and legal holidays, which the payment is overdue, beginning on the day after the payment was due. Any fee for late payment of charges for utilities must be in accordance with the requirements prescribed by the Public Utilities Commission of Nevada.

(7) Any fee for a late monthly rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

(8) Any fee, surcharge or rent increase to recover from his or her tenants the costs resulting from converting from a master-metered water system to individual water meters for each manufactured home lot.

~~+(8)~~ (9) Any fee, surcharge or rent increase to recover from his or her tenants any amount that exceeds the amount of the cost for a governmentally mandated service or tax that was paid by the landlord.

2. Except for the provisions of subparagraphs (3), (4), (6) and ~~+(8)~~ (9) of paragraph (b) of subsection 1, the provisions of this section do not apply to a corporate cooperative park.

Sec. 27. NRS 118B.150 is hereby amended to read as follows:

118B.150 1. Except as otherwise provided in subsections 2 and 3, the landlord or his or her agent or employee shall not:

(a) Increase rent or additional charges unless:

(1) The rent charged after the increase is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, including, without limitation, manufactured homes and lots which are held pursuant to a long-term lease, except that a discount may be selectively given to persons who:

(I) Are handicapped;

(II) Are 55 years of age or older;

(III) Are long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

(IV) Pay their rent in a timely manner; or

(V) Pay their rent by check, money order or electronic means;

(2) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

(3) Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this subparagraph, if the landlord or his or her agent or employee knows or reasonably should know that the tenant receives assistance from the Account, the landlord or his or her agent or employee shall provide to the Administrator written notice of the increase 90 days before the first payment to be increased.

(b) Require a tenant to pay for an improvement to the common area of a manufactured home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

(c) Require a tenant to pay for a capital improvement to the manufactured home park unless the tenant has notice of the requirement at the time the tenant enters into the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this paragraph.

(d) Require a tenant to pay the rent by check or money order.

(e) Require a tenant who pays the rent in cash to apply any change to which the tenant is entitled to the next periodic payment that is due. The landlord or his or her agent or employee shall have an adequate amount of money available to provide change to such a tenant.

(f) Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any manufactured home or recreational vehicle in the park to discuss the park's affairs, or any political meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

(g) Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this paragraph is liable to the tenant for actual damages.

(h) Prohibit a tenant from having guests, but the landlord may require the tenant to register the guest within 48 hours after his or her arrival, Sundays and

legal holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

(i) Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a manufactured home lot who is living alone may allow one other person to live in his or her home without paying an additional charge or fee, unless such a living arrangement constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his or her guest alters or varies the terms of the rental contract between the tenant and the landlord, and the guest is subject to the rules and regulations of the landlord.

(j) Prohibit a tenant from erecting a fence on the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the location and height of fences, the materials used for fences and the manner in which fences are to be constructed.

(k) Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this paragraph, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

(l) Prohibit a public officer, candidate for public office or the representative of a public officer or candidate for public office from walking through the park to talk with the tenants or distribute political material.

(m) If a tenant has voluntarily assumed responsibility to trim the trees on his or her lot, require the tenant to trim any particular tree located on the lot or dispose of the trimmings unless a danger or hazard exists.

(n) Charge a fee for a late monthly rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

2. The landlord is entitled to require a security deposit from a tenant who wants to use the manufactured home park's clubhouse, swimming pool or other park facilities for the tenant's exclusive use. The landlord may require the deposit at least 1 week before the use. The landlord shall apply the deposit to costs which occur due to damage or cleanup from the tenant's use within 1 week after the use, if any, and shall, on or before the eighth day after the use, refund any unused portion of the deposit to the tenant making the deposit. The landlord is not required to place such a deposit into a financial institution or to pay interest on the deposit.

3. The provisions of paragraphs (a), (b), (c), (j) and (m) of subsection 1 do not apply to a corporate cooperative park.

4. As used in this section, "long-term lease" means a rental agreement or lease the duration of which exceeds 12 months.

Sec. 28. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental

agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) ~~Failure~~ ***Except as otherwise provided in subsection 3, failure*** of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

(1) Discharge of a weapon;

(2) Prostitution;

(3) Illegal drug manufacture or use;

(4) Child molestation or abuse;

(5) Elder molestation or abuse;

(6) Property damage as a result of vandalism; and

(7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(1) Are set forth in the lease signed by the tenant; and

(2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to surrender for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

3. A rental agreement may not be terminated for failure of the tenant to pay rent if the tenant provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

Sec. 29. NRS 118B.210 is hereby amended to read as follows:

118B.210 1. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services the landlord normally supplies, or

bring or threaten to bring an action for possession of a manufactured home lot as retaliation upon the tenant because:

(a) The tenant has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a manufactured home park to the governmental agency responsible for enforcing the code or regulation.

(b) The tenant has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, or 118B.240.

(c) The tenant has organized or become a member of a tenants' league or similar organization.

(d) The tenant has requested the reduction in rent required by:

(1) NRS 118.165 as a result of a reduction in property taxes.

(2) NRS 118B.153 when a service, utility or amenity is decreased or eliminated by the landlord.

(e) ***The tenant provides the proof required by subsection 3 of NRS 118B.200.***

(f) A citation has been issued to the landlord as the result of a complaint of the tenant.

~~(f)~~ (g) In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.

2. A landlord, manager or assistant manager of a manufactured home park shall not willfully harass a tenant.

3. A tenant shall not willfully harass a landlord, manager or assistant manager of a manufactured home park or an employee or agent of the landlord.

4. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or a person's exercise of his or her rights pursuant to this chapter.

Sec. 30. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise ordered by a court of competent jurisdiction, if a person liable on a security agreement provides proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker and a shutdown is occurring or has occurred, a person shall not repossess or direct or authorize another person to repossess a vehicle of that person during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends.

2. Any person who knowingly repossesses a vehicle or authorizes another person to repossess a vehicle in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

3. In imposing liability pursuant to paragraph (b) of subsection 2, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she

repossessed a vehicle or directed or authorized another person to repossess a vehicle.

4. As used in this section:

(a) *“Federal worker” has the meaning ascribed to it in section 3 of this act.*

(b) *“Shutdown” has the meaning ascribed to it in section 4 of this act.*

(c) *“State worker” has the meaning ascribed to it in section 5 of this act.*

(d) *“Tribal worker” has the meaning ascribed to it in section 5.5 of this act.*

Sec. 30.5. NRS 482.516 is hereby amended to read as follows:

482.516 1. Any provision in any security agreement for the sale or lease of a vehicle to the contrary notwithstanding, at least 10 days’ written notice of intent to sell or again lease a repossessed vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless such persons have notified the holder in writing of a different address.

2. The notice:

(a) Must ***inform such persons of the provisions of section 30 of this act;***

(b) **Must** set forth that there is a right to redeem the vehicle and the total amount required as of the date of the notice to redeem;

~~(c)~~ (c) May inform such persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;

~~(d)~~ (d) Must give notice of the holder’s intent to resell or again lease the vehicle at the expiration of 10 days from the date of giving or mailing the notice;

~~(e)~~ (e) Must disclose the place at which the vehicle will be returned to the buyer or lessee upon redemption or reinstatement; and

~~(f)~~ (f) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, the person or persons liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Such persons are liable for any deficiency after sale or lease of the repossessed vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges or cancelled insurance as of the date of the notice or state that such a credit may be available against the amount due.

Sec. 31. NRS 702.260 is hereby amended to read as follows:

702.260 1. Seventy-five percent of the money in the Fund must be distributed to the Division of Welfare and Supportive Services for programs to assist eligible households in paying for natural gas and electricity. The Division may use not more than 5 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Division may use the money distributed to it pursuant to this section only to:

- (a) Assist eligible households in paying for natural gas and electricity.
- (b) Carry out activities related to consumer outreach.
- (c) Pay for program design.
- (d) Pay for the annual evaluations conducted pursuant to NRS 702.280.

3. Except as otherwise provided in ~~subsection 4,~~ **subsections 4 and 5** to be eligible to receive assistance from the Division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Division.

4. ***In addition to the persons eligible to receive assistance from the Division pursuant to subsection 3, a household that includes at least one federal worker, tribal worker or state worker is eligible for such assistance during a shutdown.***

5. The Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

~~5.~~ 6. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

~~6.~~ 7. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

- (1) The income of the household;
- (2) The size of the household;
- (3) The type of energy that the household uses; and
- (4) Any other factor which, in the determination of the Division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

~~7.~~ 8. The Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

~~8.~~ 9. In carrying out the provisions of this section, the Division shall:

(a) Solicit advice from the Housing Division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division as required by NRS 702.280.

~~9.1~~ **10.** For the purposes of this section ~~“eligible”~~:

(a) **“Eligible household”** includes, without limitation:

~~(a)~~ (1) A tenant of a manufactured home park or mobile home park subject to the provisions of NRS 704.905 to 704.960, inclusive; and

~~(b)~~ (2) A tenant who purchases electricity from a landlord as described in paragraph (c) of subsection 2 of NRS 702.090 based on the actual usage of electricity by the tenant.

(b) **“Federal worker”** has the meaning ascribed to it in section 3 of this act.

(c) **“Shutdown”** has the meaning ascribed to it in section 4 of this act.

(d) **“State worker”** has the meaning ascribed to it in section 5 of this act.

(e) **“Tribal worker”** has the meaning ascribed to it in section 5.5 of this act.

Sec. 32. The provisions of this act apply to any contract entered into:

1. Before the effective date of this act that remains in effect on the effective date of this act.

2. On and after the effective date of this act.

Sec. 33. 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. 397.

Bill read second time.

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

Amendment No. 237.

AN ACT relating to misconduct by certain public officials; authorizing the Nevada Equal Rights Commission to recommend impeachment or removal of certain public officials under certain circumstances; providing that an accusation of ~~sexual harassment~~ **certain unlawful employment practices**

by the Commission is legally sufficient for removal in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Governor and other state and certain judicial officers may be impeached for misdemeanor or malfeasance in office. (Nev. Const. Art. 7, § 2) The Assembly of the Nevada Legislature has the sole power to impeach, and all impeachments are tried by the Senate. (Nev. Const. Art. 7, § 1) Existing law authorizes the removal of certain public officers for willful or corrupt misconduct in office. (NRS 283.300) Existing law establishes the Nevada Equal Rights Commission. (NRS 233.010-233.210) The Commission is authorized to investigate and conduct hearings regarding any unlawful employment practice by an employer. (NRS 233.150) Under existing law, an unlawful employment practice includes discrimination by an employer against a person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. An unlawful employment practice based on sex includes a prohibition on engaging in acts that constitute sexual harassment. (NRS 613.330; *Switzer v. Rivera*, 174 F. Supp. 2d 1097 (D. Nev. 2001)) If the Administrator of the Commission determines that an unlawful employment practice has occurred, the Administrator is required to attempt to mediate between or reconcile the parties. If such attempts fail, the Commission is authorized to hold a public hearing on the matter and take certain actions if the Commission finds an unlawful employment practice has occurred. (NRS 233.170)

Section 1 of this bill authorizes the Commission to submit a recommendation of impeachment to the Assembly of the Nevada Legislature only if the Commission determines in a public hearing that an elected official has committed an unlawful employment practice regarding ~~sexual harassment~~ **discrimination in employment** and that ~~such sexual harassment~~ **the discriminatory practice** is ~~sufficiently~~ **significantly** severe **and pervasive such** that impeachment is appropriate. **Section 1** similarly authorizes the Commission to present an accusation of ~~sexual harassment~~ **an unlawful employment practice in employment regarding discrimination** against a district, county, township or municipal officer to the grand jury of a county only if ~~such sexual harassment~~ **the discriminatory practice** is ~~sufficiently~~ **significantly** severe **and pervasive such** that removal is appropriate. **Section 1** requires that any damages assessed against an elected official or district, county, township or municipal officer be paid in his or her personal capacity. **Section 2** of this bill provides that an accusation of ~~sexual harassment~~ **an unlawful employment practice regarding discrimination** made against a district, county, township or municipal officer made by the Commission pursuant to **section 1** is legally sufficient for removal in certain circumstances.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Commission may submit a recommendation of impeachment to the Assembly only if the Commission determines after a hearing held pursuant to subsection 3 of NRS 233.170 that an elected official has engaged in ~~the~~ an unlawful employment practice of ~~sexual harassment~~ discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., and that the ~~sexual harassment~~ discriminatory practice that forms the basis of such a recommendation is ~~sufficiently~~ significantly severe and pervasive such that impeachment is an appropriate remedy.*

2. *The Commission may present an accusation to the grand jury of a county pursuant to NRS 283.300 only if the Commission determines after a hearing held pursuant to subsection 3 of NRS 233.170 that a district, county, township or municipal officer has engaged in ~~the~~ an unlawful employment practice of ~~sexual harassment~~ discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., and that the ~~sexual harassment~~ discriminatory practice that forms the basis of such an accusation is ~~sufficiently~~ significantly severe and pervasive such that removal from office is an appropriate remedy.*

3. *Any damages assessed against an elected official or a district, county, township or municipal officer pursuant to this chapter must be assessed against such official or officer in his or her personal capacity, and may not be paid with public money or contributions received pursuant to chapter 294A of NRS.*

4. *As used in this section:*

(a) *“District, county, township or municipal officer” does not include:*

(1) *A justice or judge of the court system; and*

(2) *A State Legislator removable from office only through expulsion by the State Legislator’s own House pursuant to Section 6 of Article 4 of the Nevada Constitution.*

(b) *“Elected official” means a person who was elected to an office which is subject to impeachment pursuant to Section 2 of Article 7 of the Nevada Constitution.*

Sec. 2. NRS 283.350 is hereby amended to read as follows:

283.350 **1.** If the defendant objects to the legal sufficiency of the accusation, the objection shall be in writing. The objection need not be in any specific form. It is sufficient if it presents intelligibly the grounds of the objection.

2. *An accusation of ~~sexual harassment~~ an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., made by the Nevada Equal Rights Commission pursuant to section 1 of this act is legally sufficient if a court determines that the ~~sexual harassment~~ discriminatory practice that forms*

the basis of such an accusation is ~~sufficiently~~ significantly severe and pervasive such that removal of the defendant is an appropriate remedy.

Sec. 3. 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. 398.

Bill read second time.

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

Amendment No. 495.

AN ACT relating to commercial mortgage lending; exempting ~~commercial mortgage brokers from the requirement to obtain a certain type of license; requiring a commercial mortgage broker to obtain a certificate of exemption from the Commissioner of Mortgage Lending under certain circumstances;~~ **wholesale lenders who only fund or purchase commercial mortgage loans from obtaining a license;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons and entities engaged in mortgage lending to be licensed by the Commissioner of Mortgage Lending. (Chapter 645B of NRS) Existing law provides exemptions from licensing for certain persons and entities. (645B.015) ~~Section 1 of this bill [defines a person who only brokers commercial mortgage loans as a "commercial mortgage broker." Section 2 of this bill exempts a commercial mortgage broker.]~~ **exempts a person who is a wholesale lender who only purchases or funds commercial mortgage loans** from the provisions of chapter 645B of NRS. ~~[Section 4 of this bill requires a person who claims an exemption as a commercial mortgage broker to obtain a certificate of exemption from the Commissioner.]~~

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

Section 1. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

~~**1. "Commercial mortgage broker" means a person who, directly or indirectly,**~~

~~**(a) Holds himself or herself out for hire to serve as an agent for any person in an attempt to obtain a commercial mortgage loan which will be secured by a lien on commercial property;**~~

~~**(b) Holds himself or herself out for hire to serve as an agent for any person who has money to lend, if the loan is or will be secured by a lien on commercial property;**~~

~~—(c) Holds himself or herself out as being able to make commercial mortgage loans secured by liens on commercial property;~~

~~—(d) Holds himself or herself out as being able to buy or sell notes secured by liens on commercial property; or~~

~~—(e) Offers for sale in this State any security which is exempt from registration under state or federal law and purports to make investments in promissory notes secured by liens on commercial property;~~

~~—2. The term does not include a wholesale lender, as defined in NRS 645B.01356, or a person who is licensed as a mortgage company, as defined in NRS 645B.0127.~~

The provisions of this chapter do not apply to a wholesale lender who only funds or purchases commercial mortgage loans.

Sec. 2. ~~[NRS 645B.010 is hereby amended to read as follows:~~

~~—645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0102 to 645B.01256, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.]~~

~~(Deleted by amendment.)~~

Sec. 3. ~~[NRS 645B.015 is hereby amended to read as follows:~~

~~—645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:~~

~~—1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union;~~

~~—2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required;~~

~~—3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee;~~

~~—4. An attorney at law rendering services in the performance of his or her duties as an attorney at law;~~

~~—5. A real estate broker rendering services in the performance of his or her duties as a real estate broker;~~

~~—6. Any person doing any act under an order of any court.~~

~~—7. Any one natural person, or married couple, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later;~~

~~8. A natural person who only offers or negotiates terms of a residential mortgage loan:~~

~~(a) With or on behalf of an immediate family member of the person;~~

~~(b) Secured by a dwelling that served as the person's residence; or~~

~~(c) If:~~

~~(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;~~

~~(2) The residential mortgage loan is financed by the seller; and~~

~~(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.~~

~~9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.~~

~~10. A seller of real property who offers credit secured by a mortgage of the property sold.~~

~~11. A nonprofit agency or organization:~~

~~(a) Which provides self help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;~~

~~(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;~~

~~(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;~~

~~(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;~~

~~(e) Which does not profit from the sale of a dwelling to a borrower; and~~

~~(f) Which maintains tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).~~

~~12. A housing counseling agency approved by the United States Department of Housing and Urban Development.~~

~~13. A person doing business as a commercial mortgage broker who only offers or negotiates terms of commercial mortgage loans and does not offer or negotiate terms of residential mortgage loans. (Deleted by amendment.)~~

Sec. 4. ~~NRS 645B.016 is hereby amended to read as follows:~~

~~645B.016 Except as otherwise provided in subsection 2 and NRS 645B.690:~~

~~1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645B.015 must:~~

~~(a) File a written application for a certificate of exemption with the Office of the Commissioner;~~

~~(b) Pay the fee required pursuant to NRS 645B.017;~~

~~(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645B.015; and~~

~~(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his or her business, including, if applicable, the right to transact mortgage loans, and such license is in good standing pursuant to the laws of this State, any other state or the United States.~~

~~2. The provisions of subsection 1 do not apply to the extent preempted by federal law.~~

~~3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to [12,] 13, inclusive, of NRS 645B.015 to:~~

~~(a) File a written application for a certificate of exemption with the Office of the Commissioner;~~

~~(b) Pay the fee required pursuant to NRS 645B.017; and~~

~~(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.~~

~~4. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645B.015.~~

~~5. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a *commercial mortgage broker*, mortgage company or mortgage loan originator or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a *commercial mortgage broker*, mortgage company or mortgage loan originator unless the person applies for and is issued:~~

~~(a) A license as a mortgage company or mortgage loan originator, as applicable, pursuant to this chapter; or~~

~~(b) Another certificate of exemption.~~

~~6. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than \$10,000 for each violation that the person commits, if the person:~~

~~(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;~~

~~(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by the person, would have rendered the person ineligible to hold a certificate of exemption; or~~

~~(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.~~

~~7. A person who is exempt from the requirements of this chapter may file a written application for a certificate of exemption with the Office of the Commissioner for the purposes of complying with the requirements of the Registry or enabling a mortgage loan originator to comply with the requirements of the Registry.~~

~~8. The Commissioner may require an applicant or person described in subsection 7 to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.~~

~~9. An application filed pursuant to subsection 7 does not affect the applicability of this chapter to such an applicant or person.~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2020, for all other purposes.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

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

Amendment No. 348.

AN ACT relating to motor vehicles; revising provisions relating to the applicability of certain traffic laws concerning reckless driving and vehicular manslaughter; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, traffic laws and certain other laws relating to motor vehicles are applicable and uniform throughout this State on all highways to which the public has a right of access or to which the persons have access to as invitees or licensees. (NRS 484A.400) **Section 1** of this bill provides ~~for exceptions to~~ that ~~application~~ **such laws may apply in other places** if provided by a specific statute. Existing law makes provisions governing reckless driving and vehicular manslaughter apply to a motor vehicle being operated on a highway. **Sections 2-4** of this bill explicitly makes those also apply on premises to which the public has access, which includes, without limitation, parking lots, parking garages and other roads or ways that provide access to or are appurtenant to places of business, apartment buildings, mobile home parks and gated residential communities. (NRS 484A.185, 484B.550, 484B.653, 484B.657)

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

Section 1. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The ~~Except as otherwise provided by a specific statute, the~~ provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access, ~~or~~ to which persons have access as invitees or licensees, ~~or~~ **or such other premises as provided by statute.**

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

- (a) Governing the registration of vehicles and the licensing of drivers;
- (b) Governing the duties and obligations of persons involved in traffic crashes, other than the duties to stop, render aid and provide necessary information;
- (c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or
- (d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 2. NRS 484B.550 is hereby amended to read as follows:

484B.550 1. Except as otherwise provided in this section, the driver of a motor vehicle *on a highway or premises to which the public has access* who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring the vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484B.653 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

- (a) Is the proximate cause of damage to the property of any other person; or
 - (b) Operates the motor vehicle in a manner which endangers or is likely to endanger any other person or the property of any other person,
- ↪ the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any other person, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$50,000, or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484C.110 or 484C.120 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property ~~+~~ **on a highway or premises to which the public has access.**

(b) Drive a vehicle in an unauthorized speed contest on a ~~public~~ highway ~~+~~ **or premises to which the public has access.**

(c) Organize an unauthorized speed contest on a ~~public~~ highway ~~+~~ **or premises to which the public has access.**

↪ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle **on a highway or premises to which the public has access** is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle *on a highway or premises to which the public has access* in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

7. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 4. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle ~~that~~ *on a highway or premises to which the public has access*, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.

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. 411.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 383.

AN ACT relating to vehicles; establishing civil penalties for certain traffic and related violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a violation of any provision of existing law relating to driver's licenses, any traffic law or ordinance, any provision of existing law governing motorcycles or any provision of existing law relating to off-highway vehicles is guilty of a misdemeanor, unless a different penalty is prescribed for the violation by a specific statute. (NRS 483.530, 483.620, 484A.900, 486.381, 490.520) **Sections 14, 22, 40, 71 and 72** of this bill provide that a violation of any provision of these existing laws is a civil infraction unless a criminal penalty is prescribed for the violation by a specific statute. **Sections 5, 16-21, 41, 44, 49, 69 and 72** of this bill maintain the designation of certain traffic and related offenses as misdemeanors. **Sections 51-54 of this bill revise the penalties for speeding.** **Sections 15, 45-48, 50, 52, 57, 59-61, 64, 65 and 67** of this bill specifically designate certain traffic and related violations as civil infractions. **Sections 1-4, 6-8, 10, 13, 38, 39, 42, 43, 55, 58, 62, 63, 66, 68 and 70** of this bill make conforming changes.

Sections 9, 11 and 12 of this bill provide that, for the purposes of a person's driving record, the commission of a traffic or related violation that is a civil infraction pursuant to this bill is treated the same as a conviction for a traffic or related violation under existing law.

Sections 23-36 of this bill enact procedures for the imposition of a civil penalty against a person who violates a provision of law that is punishable as a civil infraction pursuant to this bill.

Section 24 of this bill requires each traffic enforcement agency in this State to provide a form notice of the civil infraction that a peace officer may issue to a person who has allegedly committed the civil infraction. **Section 26** of this bill authorizes a peace officer who has reasonable cause to believe that a person has violated a provision of law punishable as a civil infraction pursuant to this bill to halt and detain the person as is reasonably necessary to investigate the alleged violation and serve a notice of civil infraction for the alleged violation, and **section 28** of this bill requires a peace officer who has stopped a driver for such an alleged violation to demand proof of the insurance required to be maintained by existing law. **Section 27** of this bill specifies the information that is required to be provided in the notice of civil infraction issued to the person who allegedly committed the civil infraction. **Sections 25 and 29** of this bill provide that when the peace officer manually or electronically files the original or a copy of the notice of civil infraction with a court having jurisdiction over the alleged violation or with its traffic violations bureau, the notice is a complaint for the purposes of initiating a civil case.

Section 30 of this bill requires a person to respond to a notice of civil infraction not later than 90 judicial days after it has been issued by not contesting the notice and paying all monetary penalties and assessments specified in the notice, requesting a hearing to contest whether the person committed the violation set forth in the notice or requesting a hearing to explain mitigating circumstances surrounding the violation. **Under section 30, if a person does not respond to a notice of civil infraction within 90 judicial days after it has been issued, the court is required to notify the person of the consequences of the failure to respond. If the person does not respond to the notice of civil infraction within 30 judicial days after receipt of the notice of the failure to respond, the court is required to find that the person committed the civil infraction and assess a monetary penalty and administrative assessments against the person.**

Sections 31 and 32 of this bill, respectively, establish procedures for a hearing at which a person contests whether he or she committed the violation and a hearing to explain mitigating circumstances surrounding the violation. **Section 33** of this bill makes the Nevada Rules of Civil Procedure inapplicable to these hearings. **Section 34** of this bill: (1) establishes a maximum civil penalty of ~~12501~~ **\$500** for a violation of law punishable as a civil infraction pursuant to this bill and provides that any such civil penalty collected by a justice court for a violation of a law of this State must be deposited into the State Permanent School Fund; (2) requires the court to order the person who committed the civil infraction to pay an administrative assessment in the same amount that the person would have been required to pay if the violation were a criminal offense; (3) authorizes a court to waive or reduce civil penalties and administrative assessments imposed for a civil infraction or enter into a

payment plan under certain circumstances; and (4) authorizes a court to order a person to attend a course of traffic safety approved by the Department of Motor Vehicles under certain circumstances. **Section 35** of this bill authorizes the court to order a person who has committed a violation of law punishable as a civil infraction pursuant to this bill to perform community service under certain circumstances. **Section 36** of this bill authorizes a court to take certain actions to collect a civil penalty or any administrative assessment or fee associated with the civil penalty.

Sections 73 and 74 of this bill grant to justice court and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions pursuant to this bill. **Section 72.5 authorizes certain justice courts to appoint referees to take testimony and recommend orders and judgments to the justice of the peace in cases involving a violation of law that is punishable as a civil infraction pursuant to this bill.**

Sections 77-79 of this bill enact provisions to govern the hearing and disposition of civil infractions committed by juveniles.

Section 80 of this bill provides that the amendatory provisions of this bill apply retroactively to any person who has committed an offense for which this bill establishes a civil penalty unless the person was convicted of the offense before ~~October 1, 2019.~~ **January 1, 2021.** **Section 80** further requires: (1) each court in this State to cancel each outstanding bench warrant issued by the court for a person who failed to appear in the court in response to a citation issued for an offense for which this bill establishes a civil penalty; and (2) the Central Repository for Nevada Records of Criminal History to remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a citation for an offense for which this bill establishes a civil penalty.

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

Section 1. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 3, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or
(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without

limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

↳ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of, *or found by a court to have committed*, a moving traffic violation or *convicted of* a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 4, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

4. If a course described in paragraph (a) of subsection 3 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 3.

Sec. 2. NRS 483.2523 is hereby amended to read as follows:

483.2523 1. A person to whom a driver's license is issued pursuant to NRS 483.2521 shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his or her immediate family.

2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver's license is issued.

(b) For a second or subsequent offense, must be ordered to:

(1) Pay a ~~fine~~ **civil penalty** in an amount not to exceed \$250;

(2) Comply with the provisions of this section for such additional time as determined by the court; or

(3) Both pay such a ~~fine~~ **civil penalty** and comply with the provisions of this section for such additional time as determined by the court.

3. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360.

Sec. 3. NRS 483.2525 is hereby amended to read as follows:

483.2525 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of NRS 483.2523. Except as otherwise provided in subsection 2, a ~~citation~~ **notice of civil infraction** may be issued **pursuant to sections 24 to 36, inclusive, of this act** for a violation of NRS 483.2523 only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

2. A peace officer shall not issue a ~~citation~~ **notice of civil infraction pursuant to sections 24 to 36, inclusive, of this act** to a person for operating a motor vehicle in violation of NRS 483.2523 if the person provides satisfactory evidence that the person has held the driver's license for the period required pursuant to NRS 483.2523.

Sec. 4. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS

483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or

484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of, *or findings by a court of having committed*, moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 5. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is ~~unlawful~~ **a misdemeanor** for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body

pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.400 is hereby amended to read as follows:

483.400 1. The Department shall maintain files of applications for licenses. Such files shall contain:

(a) All applications denied and on each thereof note the reasons for such denial.

(b) All applications granted.

(c) The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

2. The Department shall also file all crash reports and abstracts of court records of convictions *or findings of the commission of civil infractions pursuant to sections 24 to 36, inclusive, of this act* received by it under the laws of this State, and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions *or findings* of such licensee and the traffic crashes in which the licensee was involved ~~shall be~~ *are* readily ascertainable and

available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 7. NRS 483.430 is hereby amended to read as follows:

483.430 1. The privilege of driving a motor vehicle on the highways of this State given to a nonresident under NRS 483.010 to 483.630, inclusive, ~~shall be~~ is subject to suspension or revocation by the Department in like manner and for like cause as a driver's license issued under NRS 483.010 to 483.630, inclusive, may be suspended or revoked.

2. The Department is further authorized, upon receiving a record of the *entrance of an order pursuant to sections 24 to 36, inclusive, of this act finding that a nonresident driver of a motor vehicle committed a civil infraction in this State or the* conviction in this State of a nonresident driver of a motor vehicle of any *criminal* offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so *found or* convicted is a resident.

3. When a nonresident's driving privilege is suspended or revoked in this State, the Department shall forward a copy of the record of such action to the motor vehicle administrator in the state where such driver resides.

Sec. 8. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,
 ↪ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 or 176.064 ~~††~~ *or section 36 of this act.*

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from ~~the~~ any of the following:

(1) *The* district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~, from a~~

(2) *A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable*, that a delinquency for which the suspension was ordered pursuant to NRS 176.064 *or section 36 of this act, as applicable*, has been discharged ~~, from a~~

(3) *A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, that a defendant whose license was ordered to be suspended pursuant to section 36 of this act has been ordered to perform community service to discharge the delinquency for which the suspension was ordered pursuant to section 36 of this act. If the defendant does not perform community service in a manner satisfactory to the court, the Department shall immediately suspend the license of the defendant if so ordered pursuant to section 36 of this act.*

(4) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 9. NRS 483.447 is hereby amended to read as follows:

483.447 A person who does not hold a valid license issued by this State or any other state and who operates a vehicle in this State shall be deemed to have future driving privileges that may be suspended if the person is *found to have committed a civil infraction in this State pursuant to sections 24 to 36, inclusive, of this act or is* convicted of any *criminal* traffic offense in this State.

Sec. 10. NRS 483.448 is hereby amended to read as follows:

483.448 1. Except as otherwise provided in this subsection, when a person deemed to have future driving privileges pursuant to NRS 483.447 has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the person presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a *court order entered pursuant to section 34 of this act or a plea agreement*, the Department shall cancel not more than 3 demerit points from the person's driving record. If such a person accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course but must have future driving privileges suspended. A person

deemed to have future driving privileges may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from the driver's record of the person during the 12-month period immediately following the driver's successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person deemed to have future driving privileges whose successful completion of a course of traffic safety was required pursuant to a ***court order entered pursuant to section 34 of this act or a*** plea agreement.

2. Any reduction of demerit points pursuant to this section applies only to the demerit record of the person deemed to have future driving privileges and otherwise does not affect the person's driving record with the Department or insurance record.

3. Notwithstanding any provision of this title to the contrary, if a person deemed to have future driving privileges accumulates demerit points, the Department shall suspend those future driving privileges:

(a) For the first accumulation of 12 demerit points during a 12-month period, for 6 months. Such a person is eligible for a restricted license during this 6-month period.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, for 1 year. Such a person is eligible for a restricted license during this 1-year period.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, for 1 year. Such a person is not eligible for a restricted license during this 1-year period.

4. The Department shall suspend for 1 year the future driving privileges of a person ***who has been*** convicted of a sixth traffic offense within a 5-year period, ***is found to have committed a sixth civil infraction pursuant to sections 24 to 36, inclusive, of this act within a 5-year period, or is found to have committed civil infractions pursuant to sections 24 to 36, inclusive, of this act and convicted of traffic offenses resulting in a combined total of six civil infractions and traffic offenses within a 5-year period,*** if all six ***civil infractions and traffic*** offenses have been assigned a value of 4 or more demerit points. Such a person is not eligible for a restricted license during this 1-year period.

5. If the Department determines by its records that a person deemed to have future driving privileges is not eligible for a driver's license pursuant to this section, the Department shall notify the person by mail of that fact.

6. Except as otherwise provided in subsection 7, the Department shall suspend the future driving privileges of a person pursuant to this section 30 days after the date on which the Department mails the notice to the person required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the future driving privileges of the person requesting the hearing is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held, within 45 days after the request is received, in the county in which the person resides unless the person and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the person.

Sec. 11. NRS 483.450 is hereby amended to read as follows:

483.450 1. A record of *each* conviction **and each finding that a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act** must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding ~~the~~ *each* conviction **and finding** in the driver's record.

2. The Department shall adopt regulations prescribing the information necessary to record ~~the~~ *each* conviction **and finding** in the driver's record.

3. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:

(a) If the court is other than a juvenile court, ~~the~~ *each* record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking ~~the~~ **and each record of the finding that any person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act;** or

(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,

↪ within 5 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted **or found to have committed a civil infraction** or **the** child found in violation of a traffic law or ordinance.

4. If a record forwarded to the Department pursuant to subsection 3 is a record of the conviction of, **or a record of a finding of the commission of a civil infraction pursuant to sections 24 to 36, inclusive, of this act against,** a person who holds a commercial driver's license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction to the Commercial Driver's License Information System.

5. For the purposes of NRS 483.010 to 483.630, inclusive:

(a) "Conviction" has the meaning prescribed by regulation pursuant to NRS 481.052.

(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.

6. ~~The~~ **If the Department mails records of conviction and findings of the commission of a civil infraction pursuant to sections 24 to 36, inclusive, of this act, the** necessary expenses of mailing *such* records ~~of conviction~~ to

the Department as required by this section must be paid by the court charged with the duty of forwarding those records . ~~of conviction.~~

7. As used in this section, “Commercial Driver’s License Information System” has the meaning ascribed to it in NRS 483.904.

Sec. 12. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, “traffic violation” means conviction of a moving traffic violation in any municipal court, justice court or district court in this State ~~or~~ ***or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act.*** The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include a conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver’s license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense ~~or~~ ***or civil infraction,*** and if the point values differ, points must be assessed for the offense ***or civil infraction*** having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction ***or finding of the commission of a civil infraction pursuant to sections 24 to 36, inclusive, of this act*** is obtained. The Department may provide for a graduated system of demerits within each category of violations ***or civil infractions*** according to the extent to which the traffic law was violated.

Sec. 13. NRS 483.475 is hereby amended to read as follows:

483.475 1. Except as otherwise provided in this subsection, when a person who holds a driver’s license has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the driver presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a plea agreement ~~or~~ ***or court order entered pursuant to section 34 of this act,*** the Department shall cancel not more than 3 demerit points from the person’s driving record. If the driver accumulates 12 or more demerit points before completing the course of

traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course, but must have his or her license suspended. A person may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from a driver's record during the 12-month period immediately following the driver's successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person whose successful completion of a course of traffic safety was required pursuant to a plea agreement ~~or~~ **or court order entered pursuant to section 34 of this act.**

2. Any reduction of demerit points applies only to the demerit record of the driver and does not affect the person's driving record with the Department or insurance record.

3. The Department shall use a cumulative period for the suspension of licenses pursuant to subsection 1. The periods of suspension are:

(a) For the first accumulation of 12 demerit points during a 12-month period, 6 months. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is not eligible for a restricted license during the suspension.

4. The Department shall suspend for 1 year the license of a driver who is convicted of a sixth traffic offense within 5 years, **is found to have committed a sixth civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act within 5 years, or is found to have committed civil infractions pursuant to sections 24 to 36, inclusive, of this act and convicted of traffic offenses resulting in a combined total of six civil infractions and offenses within a 5-year period**, if all six **civil infractions or** offenses have been assigned a value of four or more demerit points. A driver whose license is suspended pursuant to this subsection is not eligible for a restricted license during the suspension.

5. If the Department determines by its records that the license of a driver must be suspended pursuant to this section, it shall notify the driver by mail that his or her privilege to drive is subject to suspension.

6. Except as otherwise provided in subsection 7, the Department shall suspend the license 30 days after it mails the notice required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the license is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held within 45 days after the request is received in the county where the driver resides unless the driver and the Department agree that the hearing may be held in some other county. The scope of the hearing

must be limited to whether the records of the Department accurately reflect the driving history of the driver.

Sec. 14. NRS 483.530 is hereby amended to read as follows:

483.530 1. Except as otherwise provided in ~~subsection~~ **subsections 2 and 3**, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;

(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her; *or*

(g) ~~To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive; or~~

~~(h)~~ To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

3. *It is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act for any person to display or cause or permit to be displayed, possess, or fail or refuse to surrender to the Department any cancelled driver's license if the sole reason for the cancellation was the failure of the person to pay the fee for the issuance or renewal of the driver's license because a check or other method of payment was returned to the Department or otherwise dishonored upon presentation because there was insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because a person stopped payment on the check or other method of payment.*

Sec. 15. NRS 483.550 is hereby amended to read as follows:

483.550 1. ~~It~~ ***Except as otherwise provided in NRS 483.560, it is [unlawful] a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*** for any person to drive a motor vehicle upon a public street or highway in this State without being the holder of a valid driver's license.

2. The court shall require any person ~~[convicted of violating]~~ ***found to have violated*** this section to obtain a valid driver's license or produce a notice of disqualification from the Department.

Sec. 16. NRS 483.570 is hereby amended to read as follows:

483.570 No person whose driving privilege as a nonresident has been cancelled, suspended or revoked, as provided in NRS 483.010 to 483.630, inclusive, shall drive any motor vehicle upon the highways of this State while such privilege is cancelled, suspended or revoked. ***It is a misdemeanor for any person to violate this section.***

Sec. 17. NRS 483.575 is hereby amended to read as follows:

483.575 1. ~~A [It is a misdemeanor for a]~~ person with epilepsy shall not ~~to~~ operate a motor vehicle if that person has been informed by a physician pursuant to NRS 629.047 that his or her condition would severely impair his or her ability to safely operate a motor vehicle. ***A violation of this subsection is a misdemeanor.***

2. If a physician is aware that a person has violated subsection 1 after the physician has informed the person pursuant to NRS 629.047 that the person's condition would severely impair his or her ability to safely operate a motor vehicle, the physician may, without the consent of the person, submit a written report to the Department that includes the name, address and age of the person. A report received by the Department pursuant to this subsection:

(a) Is confidential, except that the contents of the report may be disclosed to the person about whom the report is made; and

(b) May be used by the Department solely to determine the eligibility of the person to operate a vehicle on the streets and highways of this State.

3. The submission by a physician of a report pursuant to subsection 2 is solely within his or her discretion. No cause of action may be brought against a physician based on the fact that he or she did not submit such a report.

4. No cause of action may be brought against a physician based on the fact that he or she submitted a report pursuant to subsection 2 unless the physician acted with malice, intentional misconduct, gross negligence or intentional or knowing violation of the law.

Sec. 18. NRS 483.580 is hereby amended to read as follows:

483.580 A person shall not cause or knowingly permit his or her child or ward under the age of 18 years to drive a motor vehicle upon any highway when the minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive, or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or if the minor's license is revoked or suspended

pursuant to title 5 of NRS or NRS 392.148. ***It is a misdemeanor for a person to violate this section.***

Sec. 19. NRS 483.590 is hereby amended to read as follows:

483.590 No person shall authorize or knowingly permit a motor vehicle owned by the person or under his or her control to be driven upon any highway by any person who is not authorized under NRS 483.010 to 483.630, inclusive, or in violation of any of the provisions of NRS 483.010 to 483.630, inclusive.

It is a misdemeanor for a person to violate this section.

Sec. 20. NRS 483.600 is hereby amended to read as follows:

483.600 No person shall employ as a driver of a motor vehicle any person not then licensed as provided in NRS 483.010 to 483.630, inclusive. ***It is a misdemeanor for a person to violate this section.***

Sec. 21. NRS 483.610 is hereby amended to read as follows:

483.610 1. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under NRS 483.010 to 483.630, inclusive, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence except a nonresident whose home state or country does not require that a driver be licensed.

2. No person shall rent a motor vehicle to another until the person has inspected the driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

3. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. Such record shall be open to inspection by any police officer or officer of the Department.

4. It is a misdemeanor for a person to violate any provision of this section.

Sec. 22. NRS 483.620 is hereby amended to read as follows:

483.620 It is a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*** for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, unless such violation is, by NRS 483.010 to 483.630, inclusive, or other law of this State, declared to be a ***misdemeanor, gross misdemeanor or felony.***

Sec. 23. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 36, inclusive, of this act.

Sec. 24. 1. Every traffic enforcement agency in this State shall provide in appropriate form notices of civil infraction containing notice of the civil infraction which must meet the requirements of sections 24 to 36, inclusive, of this act and be:

(a) Issued in books; or

(b) Available through an electronic device used to prepare such notices.

2. *The chief administrative officer of each traffic enforcement agency is responsible for the issuance of such books and electronic devices and shall maintain a record of each book, each electronic device and each notice of civil infraction issued to individual members of the traffic enforcement agency and volunteers of the traffic enforcement agency appointed pursuant to NRS 484B.470. The chief administrative officer shall require and retain a receipt for every book and electronic device that is issued.*

Sec. 25. *If the form of a notice of civil infraction:*

1. *Includes information whose truthfulness is attested as required for a complaint in a civil case; or*

2. *Is prepared electronically,*

↳ *then the notice when filed with a court of competent jurisdiction shall be deemed to be a lawful complaint for the purpose of initiating a civil case pursuant to sections 24 to 36, inclusive, of this act.*

Sec. 26. *A peace officer in this State who has reasonable cause to believe that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction may halt and detain the person as is reasonably necessary to investigate the alleged violation and serve a notice of civil infraction for the alleged violation. A peace officer who has halted and detained a person pursuant to this section may also detain the person in accordance with NRS 171.123.*

Sec. 27. 1. *When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, the peace officer may prepare a notice of civil infraction manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing:*

(a) *A statement that the notice represents a determination by a peace officer that a civil infraction has been committed by the person named in the notice and that the determination will be final unless contested as provided in sections 24 to 36, inclusive, of this act;*

(b) *A statement that a civil infraction is not a criminal offense;*

(c) *The name and address of the person halted by the peace officer;*

(d) *The state registration number of the person's vehicle, if any;*

(e) *The number of the person's driver's license, if any;*

(f) *The civil infraction for which the notice was issued;*

(g) *A statement of the options provided pursuant to sections 24 to 36, inclusive, of this act for responding to the notice and the procedures necessary to exercise these options;*

(h) *A statement that at any hearing to contest the determination set forth in the notice the facts that constitute the infraction must be proved by a preponderance of the evidence and that the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the notice; and*

(i) *A statement that the person must respond to the notice as provided in sections 24 to 36, inclusive, of this act within 90 days.*

2. *The peace officer issuing a notice of civil infraction pursuant to subsection 1 shall sign the notice and deliver a copy of the notice to the person charged with the civil infraction. If the notice is prepared electronically, the peace officer shall sign the copy of the notice that is delivered to the person charged with the violation.*

3. *A notice of civil infraction may be served by delivering a copy of the notice to the person charged with the civil infraction. The acceptance of a notice of civil infraction by the person charged with the civil infraction shall be deemed personal service of the notice and a copy of the notice signed by the peace officer constitutes proof of service. If a person charged with a civil infraction refuses to accept a notice of civil infraction, the copy of the notice signed by the peace officer constitutes proof of service.*

Sec. 28. 1. *Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 4 of NRS 490.520. If the driver of the vehicle is not the owner, a notice of civil infraction must also be issued to the owner, and in such a case the driver:*

(a) *May accept the notice on behalf of the owner; and*

(b) *Shall notify the owner of the notice within 3 days after it is issued.*

↪ *The agency which employs the peace officer shall immediately forward a copy of the notice to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.*

2. *When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.*

Sec. 29. 1. *Every peace officer upon issuing a notice of civil infraction to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the notice with a court having jurisdiction over the alleged offense or with its traffic violations bureau.*

2. *A copy of a notice of civil infraction that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance may be filed electronically with a court having jurisdiction over the alleged civil infraction or with its traffic violations bureau if the court or traffic violations bureau, respectively:*

(a) *Authorizes such electronic filing;*

(b) *Has the ability to receive and store the notice electronically; and*

(c) *Has the ability to physically reproduce the notice upon request.*

3. *Upon the filing of the original or a copy of the notice of civil infraction with a court having jurisdiction over the alleged infraction or with its traffic violations bureau, the notice may be disposed of only by an official action of a judge of that court or by the payment of a civil penalty to the traffic violations bureau by the person to whom the notice of civil infraction has been issued by the peace officer.*

4. *It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a notice of civil infraction or copies of it or of the record of the issuance of a notice of civil infraction in a manner other than as required in this section.*

5. *The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every notice of civil infraction issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies or electronic records of every notice of civil infraction which has been spoiled or upon which any entry has been made and not issued to an alleged violator.*

6. *The chief administrative officer shall also maintain or cause to be maintained a record of every notice of civil infraction issued by officers under his or her supervision. The record must be retained for at least 2 years after issuance of the notice.*

Sec. 30. 1. *Any person who receives a notice of civil infraction pursuant to section 27 of this act shall respond to the notice as provided in this section not later than 90 judicial days after the date on which the notice is issued.*

2. *If a person receiving a notice of civil infraction does not contest the determination that the person has committed the civil infraction set forth in the notice, the person must respond to the notice by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the notice or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.*

3. *If a person receiving a notice of civil infraction wishes to contest the determination that the person has committed the civil infraction set forth in the notice, the person must respond by requesting a hearing in person, by mail or through the Internet or other electronic means. The court shall notify the person in writing of the time, place and date of the hearing but the date of the hearing must not be earlier than 7 judicial days after the court provides notice of the hearing.*

4. *If a person receiving a notice of civil infraction does not wish to contest the determination that the person has committed the civil infraction set forth in the notice but wishes to explain mitigating circumstances surrounding the civil infraction, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose or by submitting in person, by mail or through the Internet*

or other electronic means a written statement of the mitigating circumstances. If the person receiving the notice of civil infraction:

(a) Requests a hearing, the court must notify the person in writing of the time, place and date of the hearing.

(b) Submits a written statement of mitigating circumstances, the court must consider the written statement and determine whether to reduce the monetary penalty imposed for the civil infraction based on that statement. The court may reduce any moving violation to a nonmoving violation based on the statement of mitigating circumstances.

5. If any person issued a notice of civil infraction fails to ~~respond~~ ~~(a) Respond~~ respond to the notice ~~as provided in subsection 2~~; or ~~(b) Appear~~ of civil infraction within 90 judicial days after the date on which the notice of civil infraction is issued, the court must notify the offender of the failure to respond by mailing a notice of the failure to respond to the last known address of the person by registered or certified mail. If the person does not respond to the notice of civil infraction in the manner specified by subsection 2, 3 or 4 within 30 judicial days after receipt of notice of the failure to respond, the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a notice of civil infraction who fails to respond to the notice of civil infraction as required by this section may not appeal an order entered pursuant to this subsection.

6. If any person issued a notice of civil infraction fails to appear at a hearing requested pursuant to subsection 3 or 4, ~~the~~ the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a notice of civil infraction who ~~fails to respond to the notice as required by this section or~~ fails to appear at a hearing requested pursuant to subsection 3 or 4 may not appeal an order entered pursuant to this subsection.

Sec. 31. 1. If, pursuant to subsection 3 of section 30 of this act, a person receiving a notice of civil infraction requests a hearing to contest the determination that the person has committed the civil infraction set forth in the notice, the hearing must be conducted in accordance with this section.

2. The person who requested the hearing may be represented by counsel. If the violation set forth in the notice of civil infraction is a violation of:

(a) An ordinance adopted by the governing body of an incorporated city, the city attorney may represent the city at the hearing.

(b) The laws of this State or an ordinance other than an ordinance described in paragraph (a), the district attorney of the county may represent the State, county or town, as applicable, at the hearing.

3. *A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the notice of civil infraction, the court may consider the information contained in the notice of civil infraction and any other written statement submitted under oath by the peace officer. The person named in the notice of civil infraction may subpoena witnesses, including, without limitation, the officer who issued the notice, and has the right to present evidence and examine witnesses present in court.*

4. *The State has the burden of proving by a preponderance of the evidence that the person named in the notice of civil infraction committed a civil infraction.*

5. *After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the notice of civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the notice, the court must enter an order dismissing the notice of civil infraction in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to section 34 of this act.*

6. *An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:*

(a) *The notice of appeal must be filed not later than 5 judicial days after the court enters in the court's records an order pursuant to section 34 of this act; and*

(b) *If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to section 34 of this act. Any bond must be forfeited if the order of the court is affirmed on appeal.*

Sec. 32. 1. *If, pursuant to subsection 4 of section 30 of this act, a person receiving a notice of civil infraction requests a hearing to explain mitigating circumstances surrounding the infraction, the proceeding must be an informal proceeding and the person requesting the hearing may not subpoena witnesses. The determination that the person named in the notice of civil infraction committed the civil infraction set forth in the notice may not be contested at a hearing held for the purpose of explaining mitigating circumstances.*

2. *After the court has heard the explanation of the circumstances surrounding the commission of the infraction, the court must enter in the court's records an order pursuant to section 34 of this act.*

3. *No appeal may be taken from a determination or order of the court pursuant to this section.*

Sec. 33. *Except as otherwise provided in sections 24 to 36, inclusive, of this act, the Nevada Rules of Civil Procedure do not apply to a civil case initiated pursuant to sections 24 to 36, inclusive, of this act.*

Sec. 34. 1. *A person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than ~~(\$250)~~ \$500 per violation, unless a greater civil penalty is authorized by specific statute. On or before the fifth day of each month, a justice court shall pay to the State Controller any civil penalty imposed and collected by the justice court pursuant to this subsection for a violation of a law of this State. The State Controller shall deposit the money into the State Permanent School Fund.*

2. *If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court must order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.*

3. *If the court determines that a civil penalty or administrative assessment imposed pursuant to this section is:*

(a) *Excessive in relation to the financial resources of the defendant, the court may waive or reduce the fine accordingly.*

(b) *Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.*

4. *A court having jurisdiction over a civil infraction pursuant to sections 24 to 36, inclusive, of this act may:*

(a) *In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order a person who is found to have committed the civil infraction to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.*

(b) *Order a person who is found to have committed the civil infraction to successfully complete a course of traffic safety approved by the Department of Motor Vehicles as a condition to obtaining a waiver or reduction of the civil penalty which the court has ordered the person to pay.*

Sec. 35. 1. *Except where the imposition of a specific civil penalty is mandatory, a court may order a person who is found to have committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act to perform community service that is supervised in accordance with subsection 2:*

(a) *In lieu of all or a part of any civil penalty or administrative assessment, or both, that may be imposed for the commission of the civil infraction; or*

(b) *As all or part of the punishment for the commission of the civil infraction.*

2. *The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.*

3. *The court may require the person who committed the civil infraction to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.*

4. *The following conditions apply to any such community service imposed by the court:*

(a) *The court must fix the period of community service that is imposed and distribute the period over weekends or over other appropriate times that will allow the person to continue employment and to care for his or her family. The period of community service fixed by the court must not exceed 200 hours.*

(b) *A supervising authority listed in subsection 2 must agree to accept the person for community service before the court may require the person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.*

(c) *Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.*

(d) *The court may require the supervising authority to report periodically to the court the person's performance in carrying out the community service.*

(e) *A person performing community service in lieu of the payment of a civil penalty must receive credit toward the civil penalty at a rate ~~of~~ per hour of community service performed that is equal to at least \$10 ~~per hour~~ of community service performed. or the state minimum wage for an employee who is not provided health benefits by his or her employer, whichever is greater.*

Sec. 36. 1. *If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act, whether or not the civil penalty, administrative assessment or fee is in addition to any other*

punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. The court may, on its own motion or at the request of ~~[an entity that is responsible for collecting a delinquent civil penalty, administrative assessment or fee]~~ the city or county in which the court has jurisdiction, enter a civil judgment for the amount due in favor of the ~~[entity that is responsible for collecting the delinquent civil penalty, administrative assessment or fee.]~~ city or county, as applicable. A civil judgment entered pursuant to this subsection may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. ~~[[~~ Except as otherwise provided in subsection 3, if the court has entered a civil judgment pursuant to this subsection, ~~[and the court finds that the person against whom the judgment is entered is not indigent and has intentionally failed to satisfy the judgment within a reasonable time,]~~ the court may, in order of priority:

(a) Request that the ~~[entity responsible for collecting the delinquent civil penalty, administrative assessment or fee]~~ city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a delinquent person pursuant to this paragraph, the court shall require the delinquent person to surrender to the court all driver's licenses then held by him or her. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a delinquent person to apply for a

driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(c) Issue an order directing the delinquent person to show cause why he or she should not be found guilty of contempt and deal with the delinquent person as for contempt of court. The order to show cause must be mailed to the address of the delinquent person as indicated on the notice of civil infraction issued to the person. If the person is found guilty of contempt, the person may be confined in the city or county jail or detention facility for a period of not more than 1 day for each ~~[\$75]~~ \$150 of the amount due until the amounts due are satisfied.

3. If the delinquent person notifies the court that he or she will perform community service to discharge the delinquency and:

(a) The city or county is undertaking any action to collect the delinquency pursuant to paragraph (a) of subsection 2, the city or county shall cease undertaking any such actions for the collection of the delinquency. If the delinquent person does not perform community service in a manner satisfactory to the court, the court may request that the city or county undertake actions to collect the delinquency pursuant to paragraph (a) of subsection 2.

(b) The court has ordered the suspension of the driver's license of the delinquent person pursuant to paragraph (b) of subsection 2, the traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, shall notify the Department of Motor Vehicles to reinstate the driver's license of the delinquent person pursuant to NRS 483.443. If the delinquent person does not perform community service in a manner satisfactory to the court, the court may order the suspension of the driver's license of the delinquent person in the manner specified in paragraph (b) of subsection 2.

(c) The court has issued an order pursuant to paragraph (c) of subsection 2, the court must not find the delinquent person guilty of contempt. If the delinquent person does not perform community service in a manner satisfactory to the court, the court may issue another order pursuant to paragraph (c) of subsection 2.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of civil penalties, administrative assessments and fees in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c).

Sec. 37. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic crashes, other than the duties to stop, render aid and provide necessary information;

(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; ~~for~~

(d) ***Providing a criminal penalty for a violation of chapters 484A to 484E, inclusive, of NRS for which the penalty prescribed by those chapters is a civil penalty; or***

(e) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of, ***or found to have committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act for***, a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 38. NRS 484A.600 is hereby amended to read as follows:

484A.600 A governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation ***or notice of civil infraction pursuant to section 27 of this act*** for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.

Sec. 39. NRS 484A.650 is hereby amended to read as follows:

484A.650 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection ~~4~~ 5 of NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

(a) May sign the citation on behalf of the owner; and

(b) Shall notify the owner of the citation within 3 days after it is issued.

↪ The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 40. NRS 484A.900 is hereby amended to read as follows:

484A.900 1. It is unlawful and, unless otherwise declared in chapters 484A to 484E, inclusive, of NRS with respect to a particular offense, it is a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*** for any person to do any act forbidden or fail to perform any act required in chapters 484A to 484E, inclusive, of NRS.

2. The court may order any person who, ***within a 1-year period***, is twice convicted of violating, ***or found to have committed a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act for a violation***

of, a provision of chapters 484A to 484E, inclusive, of NRS to pay tuition for and attend a school for driver training which is approved by the Department for retraining such drivers. The person so ordered may choose from those so approved the school which the person will attend. A person who willfully fails to comply with such an order is guilty of a misdemeanor.

Sec. 41. NRS 484B.100 is hereby amended to read as follows:

484B.100 It is ~~unlawful~~ **a misdemeanor** for any person willfully to fail or refuse to comply with any lawful order or direction of any police officer while the officer is performing the duties of the officer in the enforcement of chapters 484A to 484E, inclusive, of NRS.

Sec. 42. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is ~~convicted of~~ **found to have committed** a violation of a speed limit, or **convicted of or found to have committed a violation** of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

↪ shall, **if the violation is a criminal offense**, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense ~~††~~ **or shall, if the violation is punishable as a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary civil infraction.** Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense ~~††~~ **or civil infraction**, but provides an additional penalty for the primary offense ~~††~~ **or civil infraction**, whose imposition is contingent upon the finding of the prescribed fact.

2. ~~The~~ **If a violation described in subsection 1 is:**

(a) **A criminal offense**, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

(b) A civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.

3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating “DOUBLE PENALTIES IN WORK ZONES” to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability *or liability for a civil infraction* because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 43. NRS 484B.135 is hereby amended to read as follows:

484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is ~~convicted of~~ *found to have committed* a violation of a speed limit, or *convicted of or found to have committed a violation* of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may :

(a) If the violation is a criminal offense, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense.

(b) If the violation is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary infraction.

↪ Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense ~~††~~ ***or civil infraction*** but provides an additional penalty for the primary offense ~~††~~ ***or civil infraction***, whose imposition is discretionary with the court and contingent upon the finding of the prescribed fact.

2. ~~††The††~~ ***If a violation described in subsection 1 is:***

(a) A criminal offense, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

(b) A civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.

3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines ***and civil penalties*** may apply in pedestrian safety zones;

(b) A sign to mark the beginning of the pedestrian safety zone; and

(c) A sign to mark the end of the pedestrian safety zone.

4. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:

(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines ***and civil penalties*** may apply in pedestrian safety zones; or

(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 44. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is ~~unlawful~~ ***a misdemeanor*** for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is ~~unlawful~~ **a misdemeanor** for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:

- (a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or
 - (b) The living quarters of a house coach or house trailer,
- ↳ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

4. As used in this section:

- (a) “Alcoholic beverage” has the meaning ascribed to it in NRS 202.015.
- (b) “Open container” means a container which has been opened or the seal of which has been broken.
- (c) “Passenger area” means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 45. NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:

- (a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;
- (b) Is appropriate for the size and weight of the child; and
- (c) Is installed within and attached safely and securely to the motor vehicle:
 - (1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or
 - (2) In another manner that is approved by the National Highway Traffic Safety Administration.

2. **A violation of this section is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.** If a ~~defendant pleads or~~ **person** is found ~~guilty of violating~~ **to have committed a violation of** the provisions of subsection 1, the court shall:

- (a) For a first ~~offense,~~ **violation**, order the defendant to pay a ~~fine~~ **civil penalty** of not less than \$100 or more than \$500 or order the defendant to perform not less than 10 hours or more than 50 hours of community service;
- (b) For a second ~~offense,~~ **violation**, order the defendant to pay a ~~fine~~ **civil penalty** of not less than \$500 or more than \$1,000 or order the defendant to perform not less than 50 hours or more than 100 hours of community service; and
- (c) For a third or subsequent ~~offense,~~ **violation**, suspend the driver’s license of the defendant for not less than 30 days or more than 180 days.

3. At the time of ~~sentencing,~~ **imposing a civil penalty pursuant to subsection 2**, the court shall provide the ~~defendant~~ **person who committed the violation** with a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4. If, within 60 days after ~~sentencing,~~ **the person is found to have committed the violation**, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:

(a) If the ~~defendant~~ **person** was ~~sentenced~~ **punished** pursuant to paragraph (a) of subsection 2, waive the ~~fine~~ **civil penalty** or community service previously imposed; or

(b) If the ~~defendant~~ **person** was ~~sentenced~~ **punished** pursuant to paragraph (b) of subsection 2, reduce by one-half the ~~fine~~ **civil penalty** or community service previously imposed.

↪ A ~~defendant~~ **person** is only eligible for a reduction of a ~~fine~~ **civil penalty** or community service pursuant to paragraph (b) if the ~~defendant~~ **person** has not had a fine or community service waived pursuant to paragraph (a).

4. A person or agency approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems may, in cooperation with the Department ~~of~~ **of Motor Vehicles** establish a fee to be paid by ~~defendants~~ **persons** who are ordered to complete a program of training. The amount of the fee, if any:

(a) Must be reasonable; and

(b) May, if a ~~defendant~~ **person** desires to acquire a child restraint system from such a person or agency, include the cost of a child restraint system provided by the person or agency to the defendant.

↪ A program of training may not be operated for profit.

5. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

6. A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484B.653.

7. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician determines that the use of such a child restraint system for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician to that effect.

8. As used in this section, "child restraint system" means any device that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation:

(a) Booster seats and belt-positioning seats that are designed to elevate or otherwise position a child so as to allow the child to be secured with a safety belt;

(b) Integrated child seats; and

(c) Safety belts that are designed specifically to be adjusted to accommodate children.

Sec. 46. NRS 484B.160 is hereby amended to read as follows:

484B.160 1. Except as otherwise provided in subsections 2 and 4, a driver shall not permit a person, with regard to a motor vehicle being operated on a paved highway, to ride upon or within any portion of the vehicle that is primarily designed or intended for carrying goods or other cargo or that is otherwise not designed or intended for the use of passengers, including, without limitation:

(a) Upon the bed of a flatbed truck; or

(b) Within the bed of a pickup truck.

2. A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:

(a) Eighteen years of age or older; or

(b) Under 18 years of age and the motor vehicle is:

(1) Being used in the course of farming or ranching; or

(2) Being driven in a parade authorized by a local authority.

3. A ~~citation~~ **notice of civil infraction** must be issued **pursuant to section 27 of this act** to a driver who permits a person to ride upon or within a vehicle in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a ~~fine~~ **civil penalty** of at least \$35 but not more than \$100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.

5. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) May not be considered as:

(1) Negligence or causation in a civil action; or

(2) Negligent or reckless driving for the purposes of NRS 484B.653.

6. As used in this section:

(a) “Camper shell” has the meaning ascribed to it in NRS 361.017.

(b) “Slide-in camper” has the meaning ascribed to it in NRS 482.113.

Sec. 47. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act** and:

(a) For the first ~~offense~~ **violation** within the immediately preceding 7 years, shall pay a ~~fine~~ **civil penalty** of \$50.

(b) For the second ~~offense~~ **violation** within the immediately preceding 7 years, shall pay a ~~fine~~ **civil penalty** of \$100.

(c) For the third or subsequent ~~offense~~ **violation** within the immediately preceding 7 years, shall pay a ~~fine~~ **civil penalty** of \$250.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) “Handheld wireless communications device” means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) “Public utility” means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 48. NRS 484B.323 is hereby amended to read as follows:

484B.323 1. A person shall not operate a vehicle in a lane designated for the use of high-occupancy vehicles except in conformity with the established conditions which are placed and maintained on signs and other official traffic-control devices pursuant to subsection 2 of NRS 484A.460 or established by regulation.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act** and shall be ~~fined~~ **punished by a civil penalty of \$250** for each offense.

3. As used in this section, “high-occupancy vehicle” means:

- (a) A vehicle that is transporting more than one person;
- (b) A motorcycle, regardless of the number of passengers;
- (c) A bus, regardless of the number of passengers; and
- (d) Any other vehicle designated by regulation.

Sec. 49. NRS 484B.330 is hereby amended to read as follows:

484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.

2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. ~~In addition to any other penalty, if~~ **If** a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a

temporary traffic control zone, or in damage to property in an amount of not less than \$1,000, the driver *is guilty of a misdemeanor and* shall be punished by a fine of not less than \$1,000 or more than \$2,000, and ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in subsection 1 of NRS 484B.130.

4. As used in this section, "authorized flagger serving in a traffic control capacity" means:

(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the Department of Transportation while the employee is carrying out the duties of his or her employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.

Sec. 50. NRS 484B.593 is hereby amended to read as follows:

484B.593 1. The Department of Transportation or a local authority, after considering the advice of the Nevada Bicycle and Pedestrian Advisory Board, may with respect to any controlled-access highway under its jurisdiction:

(a) Require a permit for the use of the highway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a power cycle; or

(b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic.

2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.**

Sec. 51. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. ~~4A~~ Except as otherwise provided in subsection 5, a person who ~~drives at a rate of speed of more than 20 miles per hour greater than that posted by a public authority for the particular portion of the highway being traversed~~ violates paragraph (c) or (d) of subsection 1 shall be punished by a civil penalty of not more than ~~the \$500~~ \$20 for each mile per hour greater than the speed limit established pursuant to paragraph (c) or (d) of subsection 1, as applicable.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

Sec. 52. NRS 484B.607 is hereby amended to read as follows:

484B.607 1. Upon approaching any traffic incident, the driver of the approaching vehicle shall, in the absence of other direction given by a law enforcement officer:

(a) Decrease the speed of the vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop; and

(d) If possible, drive in a lane that is not adjacent to the lane or lanes where the traffic incident is located unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.

2. ~~4A~~ Except as otherwise provided in this subsection, a person who violates subsection 1 is guilty of a ~~misdemeanor~~ civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act. A person who commits a violation of subsection 1 that causes physical injury to a person or damage to property is guilty of a civil infraction and shall be punished by a civil penalty of not more than \$1,000.

3. As used in this section, “traffic incident” means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard. The term includes, without limitation:

(a) An authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480;

(b) A tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748;

(c) An authorized vehicle used by the Department of Transportation which is stopped or moving at a speed slower than the normal flow of traffic and which is making use of flashing amber warning lights meeting the requirements of subsection 1 of NRS 484D.185 or lamps that emit nonflashing blue light meeting the requirements of NRS 484D. 200;

(d) A public utility vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.195;

(e) An authorized vehicle of a local governmental agency which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;

(f) Any vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;

(g) A crash scene;

(h) A stalled vehicle;

(i) Debris on the roadway; or

(j) A person who is out of his or her vehicle attending to a repair of the vehicle.

Sec. 53. NRS 484B.610 is hereby amended to read as follows:

484B.610 1. Except as otherwise provided in subsection 2 and pursuant to the power granted in NRS 269.185, the town board or board of county commissioners may, by ordinance, limit the speed of motor vehicles in any unincorporated town in the county as may be deemed proper.

2. The Department of Transportation may establish the speed limits for motor vehicles on highways within the boundaries of any unincorporated town which are constructed and maintained under the authority granted by chapter 408 of NRS.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. ~~4.1~~ Except as otherwise provided in subsection 5, a person who drives at a rate of speed of more than 20 miles per hour greater than the violates any speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than ~~\$500~~ \$20 for each mile per hour over the speed limit established pursuant to this section.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

Sec. 54. NRS 484B.613 is hereby amended to read as follows:

484B.613 1. The Department of Transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the Department of Transportation under the authority granted to it by chapter 408 of NRS.

2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed 80 miles per hour and may establish a lower speed limit:

- (a) Where necessary to protect public health and safety.
- (b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. ~~4.~~ Except as otherwise provided in subsection 5, a person who ~~drives at a rate of speed of more than 20 miles per hour greater than the~~ violates any speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than ~~\$500~~ \$20 for each mile per hour over the speed limit established pursuant to this section.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

Sec. 55. NRS 484B.617 is hereby amended to read as follows:

484B.617 1. Except as otherwise provided in ~~subsection~~ **subsections 3 ~~3~~ and 4**, a person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by a ~~fine~~ **civil penalty** of \$25 if:

- (a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.
- (b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.
- (c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.
- (d) The posted speed limit is 75 miles per hour and the person is not exceeding a speed of 80 miles per hour.
- (e) The posted speed limit is 80 miles per hour and the person is not exceeding a speed of 85 miles per hour.

2. A violation of the speed limit under any of the circumstances set forth in subsection 1 must not be recorded by the Department on a driver's record and shall not be deemed a moving traffic violation.

3. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

4. The provisions of this section do not apply to a violation specified in subsection 1 that occurs in a county whose population is 100,000 or more if the portion of highway being traversed is in:

- (a) An urban area; or
- (b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for

the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

Sec. 56. NRS 484B.620 is hereby amended to read as follows:

484B.620 1. The Department of Transportation may prescribe speed zones, and install appropriate speed signs controlling vehicular traffic on the state highway system as established in chapter 408 of NRS through hazardous areas, after necessary studies have been made to determine the need therefor, and to eliminate speed zones and remove the signs therefrom whenever the need therefor ceases to exist.

2. After the establishment of a speed zone and the installation of appropriate signs to control speed, it is unlawful for any person to drive a motor vehicle upon the road and in the speed zone in excess of the speed therein authorized.

3. ~~A person who drives a motor vehicle in a speed zone prescribed pursuant to this section at a rate of speed of more than 20 miles per hour greater than the speed therein authorized~~ violates subsection 2 shall be punished by a civil penalty of not more than ~~[\$500.] \$20 for each mile per hour in excess of the speed authorized in the speed zone.~~

Sec. 57. NRS 484B.630 is hereby amended to read as follows:

484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver of a slow-moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:

(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or

(b) In the absence of such a designated turnout, at the nearest place where:

(1) Sufficient area for a safe turnout exists; and

(2) The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.**

3. As used in this section, "slow-moving vehicle" means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the highway or portion of the highway upon which the vehicle is traveling.

Sec. 58. NRS 484B.650 is hereby amended to read as follows:

484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484B.300.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.

(4) Following another vehicle too closely in violation of NRS 484B.127.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is ~~prosecuted or convicted~~ **issued a notice of civil infraction pursuant to section 27 of this act** for committing, **or is found to have committed**, any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to

surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 59. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act** for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive.

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles and electric bicycles apply whenever a bicycle or an electric bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles or electric bicycles subject to those exceptions stated herein.

Sec. 60. NRS 484B.900 is hereby amended to read as follows:

484B.900 No automobile rental agency shall be liable for any traffic violation arising out of the use of a leased or rented motor vehicle during the period such motor vehicle is not in the possession of the agency. This section does not absolve any such agency from liability for any misdemeanor **or civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act** committed by an officer, employee or agent of the agency.

Sec. 61. NRS 484D.285 is hereby amended to read as follows:

484D.285 1. The driver of a vehicle which is equipped with a device for braking that uses the compression of the engine of the vehicle shall not use the device at any time unless:

- (a) The device is equipped with an operational muffler; or
- (b) The driver reasonably believes that an emergency requires the use of the device to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of damage to property.

2. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.**

Sec. 62. NRS 484D.405 is hereby amended to read as follows:

484D.405 1. It is unlawful for any person to operate or cause to be operated upon the public highways of the State of Nevada any out-of-state or foreign privately owned motor vehicle equipped with a red light or siren attached thereto as a part of the equipment of the vehicle.

2. This section is not intended to repeal, amend or in any manner change the existing law insofar as it applies to domestic and foreign motor vehicles except in the particular instance set out in subsection 1 and this section does not apply to motor vehicles registered in foreign states having reciprocal arrangements made with the Department in relation to the use of red lights and sirens upon out-of-state motor vehicles.

3. A violation of the provisions of this section is punishable by a ~~fine~~ **civil penalty** of not more than \$250.

Sec. 63. NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

↪ who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A ~~citation~~ **notice of civil infraction** must be issued **pursuant to section 27 of this act** to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

↪ a ~~citation~~ **notice of civil infraction** must be issued **pursuant to section 27 of this act** to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one ~~citation~~ **notice of civil infraction** may be issued to the driver for both violations. A ~~citation~~ **notice of civil infraction** may be issued pursuant to ~~this subsection~~ **section 27 of this act** only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be

punished by a ~~fine~~ *civil penalty* of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. The provisions of subsections 2 and 3 do not apply:

(a) To a driver or passenger who possesses a written statement by a physician certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

7. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

Sec. 64. NRS 484D.540 is hereby amended to read as follows:

484D.540 Violation of the provisions of NRS 484D.535 is a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*. Whenever any motor vehicle is found by any peace officer to be in violation of the provisions of NRS 484D.535, and a notice ~~to appear or citation~~ *of civil infraction* is issued ~~to~~ *pursuant to section 27 of this act*, it may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provisions of NRS 484D.535.

Sec. 65. NRS 484D.620 is hereby amended to read as follows:

484D.620 Any person operating or moving any vehicle or equipment over any highway who violates any length limitation in this chapter is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*.

Sec. 66. NRS 484D.680 is hereby amended to read as follows:

484D.680 1. Except as otherwise provided in subsection ~~5~~ **4**, a person ~~convicted of~~ **found to have committed** a violation of any limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a ~~fine~~ **civil penalty** as specified in the following table:

Pounds of Excess Weight.....	Fine Civil Penalty
1 to 1,500.....	\$10
1,501 to 2,500.....	1 cent per pound of excess weight
2,501 to 5,000.....	2 cents per pound of excess weight
5,001 to 7,500.....	4 cents per pound of excess weight
7,501 to 10,000.....	6 cents per pound of excess weight
10,001 and over.....	8 cents per pound of excess weight

2. If the resulting ~~fine~~ **civil penalty** is not a whole number of dollars, the nearest whole number above the computed amount must be imposed as the ~~fine~~ **civil penalty**.

3. The ~~finer~~ **civil penalties** provided in this section are mandatory, must be collected immediately upon ~~a determination of guilt~~ **entry of an order imposing the penalty** and must not be reduced under any circumstances by the court.

4. ~~Any bail allowed must not be less than the appropriate fine provided for in this section.~~

~~5~~ A person ~~convicted of~~ **found to have committed** a violation of a limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a ~~fine~~ **civil penalty** that is equal to twice the amount of the ~~fine~~ **civil penalty** specified in subsection 1 if that violation occurred on or after February 1 but before May 1 on a highway designated by the Director of the Department of Transportation as restricted pursuant to NRS 408.214. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 67. NRS 484D.745 is hereby amended to read as follows:

484D.745 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484D.685 to 484D.740, inclusive, is guilty of a ~~misdemeanor~~ **civil infraction pursuant to sections 24 to 36, inclusive, of this act**.

2. Any person operating or moving any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized

by the permit must be punished, upon ~~[conviction,]~~ **being found to have committed the violation**, as provided in NRS 484D.680.

Sec. 68. NRS 485.135 is hereby amended to read as follows:

485.135 The Department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract must also fully designate the motor vehicles, if any, registered in the name of that person, and, if there is no record of any ~~[conviction of]~~ **violations by** that person of ~~[violating]~~ any law relating to the operation of a motor vehicle or of any injury or damage caused by that person, the Department shall so certify.

Sec. 69. NRS 486.171 is hereby amended to read as follows:

486.171 **1.** A person shall not authorize or knowingly permit a motorcycle, except a trimobile, owned by or under the control of the person to be driven upon any highway by any person who is not authorized pursuant to NRS 486.011 to 486.381, inclusive, to drive a motorcycle.

2. A person who violates this section is guilty of a misdemeanor.

Sec. 70. NRS 486.375 is hereby amended to read as follows:

486.375 **1.** A person who:

(a) Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;

(b) Is at least 21 years old;

(c) Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and

(e) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director, ↪ may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of, **or found to have committed**, traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

Sec. 71. NRS 486.381 is hereby amended to read as follows:

486.381 Any person violating any provisions of NRS 486.011 to 486.361, inclusive, is guilty of a ~~[misdemeanor,]~~ **civil infraction unless a provision of those sections specifically provides that a particular violation is a misdemeanor, gross misdemeanor or felony.**

Sec. 72. NRS 490.520 is hereby amended to read as follows:

490.520 1. It is a gross misdemeanor for any person knowingly to falsify:

(a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or

(b) An application or document to obtain any license, permit, certificate of title or registration issued under the provisions of this chapter.

2. ***It is a misdemeanor for any person to violate any of the provisions of NRS 490.200 to 490.450, inclusive.***

3. Except as otherwise provided in subsections ~~3~~ 4 and ~~4~~ 5, it is a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*** for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a *misdemeanor*, gross misdemeanor or ~~a~~ felony.

~~3~~ 4. Except as otherwise provided in subsection ~~4~~ 5, a person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*** and shall be punished by a ~~fine~~ ***civil penalty*** not to exceed \$100.

~~4~~ 5. Any person who registers a large all-terrain vehicle pursuant to NRS 490.0825 and who:

(a) Operates or knowingly permits the operation of the vehicle without having insurance as required by NRS 490.0825;

(b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or

(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance,

↪ is guilty of a ~~misdemeanor~~ ***civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*** and shall be punished by a ~~fine~~ ***civil penalty*** not to exceed \$100.

Sec. 72.5. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; ~~or~~

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance ~~or~~; ***or***

(e) In any action to determine whether a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act.

2. The referee must meet the qualifications of a justice of the peace as set forth in NRS 4.010.

3. The referee:

- (a) Shall take testimony;
- (b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;
- (c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and
- (d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 73. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

(v) ***In any action to determine whether a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act.***

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real

property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 74. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) ***To determine whether a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act.***

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal

court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 75. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll, the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by the clerk, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. ~~The~~ ***Except as otherwise provided in section 36 of this act, the*** lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

↪ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:

(a) Title of the court and the title and number of the action;

(b) Date of entry of the judgment or decree;

- (c) Names of the judgment debtor and judgment creditor;
- (d) Amount of the judgment or decree; and
- (e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. In addition to recording the information described in subsection 2, a judgment creditor who records a judgment or decree for the purpose of creating a lien upon the real property of the judgment debtor pursuant to subsection 2 shall record at that time an affidavit of judgment stating:

- (a) The name and address of the judgment debtor;
- (b) If the judgment debtor is a natural person:
 - (1) The last four digits of the judgment debtor's driver's license number or identification card number and the state of issuance; or
 - (2) The last four digits of the judgment debtor's social security number;
- (c) If the lien is against real property which the judgment debtor owns at the time the affidavit of judgment is recorded, the assessor's parcel number and the address of the real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and
- (d) If a manufactured home or mobile home is included within the lien, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home.

↪ All information included in an affidavit of judgment recorded pursuant to this subsection must be based on the personal knowledge of the affiant, and not upon information and belief.

5. As used in this section:

- (a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.
- (b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 76. NRS 17.214 is hereby amended to read as follows:

17.214 1. ~~1A~~ *Except as otherwise provided in section 36 of this act, a judgment creditor or a judgment creditor's successor in interest may renew a judgment which has not been paid by:*

(a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must be titled as an "Affidavit of Renewal of Judgment" and must specify:

- (1) The names of the parties and the name of the judgment creditor's successor in interest, if any, and the source and succession of his or her title;
- (2) If the judgment is recorded, the name of the county and the document number or the number and the page of the book in which it is recorded;
- (3) The date and the amount of the judgment and the number and page of the docket in which it is entered;
- (4) Whether there is an outstanding writ of execution for enforcement of the judgment;
- (5) The date and amount of any payment on the judgment;

(6) Whether there are any setoffs or counterclaims in favor of the judgment debtor and the amount or, if a setoff or counterclaim is unsettled or undetermined it will be allowed as payment or credit on the judgment;

(7) The exact amount due on the judgment;

(8) If the judgment was docketed by the clerk of the court upon a certified copy from any other court, and an abstract recorded with the county clerk, the name of each county in which the transcript has been docketed and the abstract recorded; and

(9) Any other fact or circumstance necessary to a complete disclosure of the exact condition of the judgment.

↪ All information in the affidavit must be based on the personal knowledge of the affiant, and not upon information and belief.

(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).

2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

Sec. 77. NRS 62A.220 is hereby amended to read as follows:

62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

1. A violation of chapters 484A to 484E, inclusive, or 706 of NRS that causes the death of a person;

2. A violation of NRS 484C.110 or 484C.120; ~~or~~

3. A violation declared to be a felony ~~};~~ **or**

4. A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act.

Sec. 78. NRS 62B.380 is hereby amended to read as follows:

62B.380 1. ~~If a child is charged with a minor traffic offense, the~~ **Except as otherwise provided in this section, the** The juvenile court has exclusive jurisdiction over proceedings concerning a child who commits a minor traffic offense or who violates a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act. ~~The juvenile court may transfer the case and record to a Justice Court or municipal court if the juvenile court determines that the transfer is in the best interests of the child.~~

2. ~~If a case is transferred pursuant to this section: **and the case concerns a child who is alleged to have:**~~

~~(a) The **Committed a minor traffic offense, the** restrictions set forth in NRS 62C.030 are applicable in those proceedings; and~~

~~(b) A **Violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act, the case must be processed, heard and disposed of in the same manner and with the same penalties as provided in sections 24 to 36, inclusive, of this act.**~~

~~3. **If a case is transferred pursuant to this section, a** parent or guardian must accompany the child at all proceedings.~~

~~3. 4. If the juvenile court transfers a case and record to a Justice Court or municipal court pursuant to this section, the Justice Court or municipal court may transfer the case and record back to the juvenile court with the consent of the juvenile court.~~

~~5. **If a case concerns a child who is alleged to have violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act, [and the case is not transferred pursuant to this section,] the child must not be treated as a child alleged to be in need of supervision or delinquent and the juvenile court must not adjudicate the child to be in need of supervision or delinquent. If the juvenile court finds that the child committed the violation, the juvenile court must impose the civil penalty authorized by the applicable provision of law, and order the child or the parent or guardian of the child to pay the administrative assessment required to be imposed by NRS 62E.270.**~~

Sec. 79. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:

(a) A delinquent child pursuant to NRS 62E.730;

(b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; ~~or~~

(c) **A child who violates a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable by a civil penalty pursuant to subsection 4 of NRS 62B.380; or**

(d) A child in need of supervision, or the parent or guardian of the child, because the child is a habitual truant pursuant to NRS 62E.430,

the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of \$10 in addition to the **civil penalty or** fine.

2. If, pursuant to NRS 62E.440, the juvenile court imposes a fine against a child who has committed an offense related to tobacco, the juvenile court shall order the child to pay an administrative assessment of \$10 in addition to the fine.

3. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

4. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

5. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

6. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

Sec. 80. 1. The Legislature hereby finds and declares that:

(a) In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that “the power to define crimes and penalties lies exclusively in the legislature.”

(b) The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587 (1968), *Sparkman v. State*, 95 Nev. 76 (1979), and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

(c) The imposition of criminal penalties for certain minor traffic and related offenses is overly burdensome because it threatens persons with criminal penalties, including imprisonment in county jail, for failure to pay fines, assessments and fees imposed in connection with relatively minor offenses.

(d) For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by making certain minor traffic and related offenses no longer subject to criminal penalties and, instead, imposing civil penalties for those offenses.

(e) It is unfair and unequal to impose criminal penalties, including imprisonment in county jail, on a person who is alleged to have committed a minor traffic or related offense but who has not been convicted of that offense before ~~the effective date of this act~~ **January 1, 2021**, while a person who commits the same act **on or** after ~~the effective date of this act~~ **January 1, 2021**, is subject to civil penalties rather than criminal penalties.

(f) To ensure the fair and equal treatment of persons who are alleged to have committed a minor traffic or related offense but who have not been convicted of that offense before ~~the effective date of this act~~ **January 1, 2021**, and persons who commit such an offense **on or** after ~~the effective date of this act~~ **January 1, 2021**, the Legislature hereby expresses its intent that the penalties set forth in this act be applied retroactively to any person who has not been convicted of an offense before ~~the effective date of this act~~ **January 1, 2021**.

2. Except as otherwise provided in this section, the provisions of this act apply to a violation of any provision of law that pursuant to a provision of this act is punishable as a civil infraction pursuant to sections 24 to 36, inclusive,

of this act if the violation occurred before, on or after ~~October 1, 2019,~~ **January 1, 2021**. The provisions of this act do not apply to any violation of law for which a person was convicted before ~~October 1, 2019,~~ **January 1, 2021**.

3. Each court in this State shall cancel each outstanding bench warrant issued for a person who failed to appear in court in response to a traffic citation issued before ~~October 1, 2019,~~ **January 1, 2021**, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act.

4. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in response to a traffic citation issued before ~~October 1, 2019,~~ **January 1, 2021**, for a violation of law that pursuant to the provisions of this act is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act.

Sec. 81. 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 provision of this act and on ~~October 1, 2019,~~ **January 1, 2021**, 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. 413.

Bill read second time.

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

Amendment No. 367.

AN ACT relating to local governments; providing that certain actions taken by a governing body of a local government are void if the actions are taken before the governing body considers ~~to business,~~ **the impact ~~(statement,) on business; revising the definition of "local government"; revising the meeting at which a governing body is required to consider a business impact statement;~~** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a governing body of a local government to determine whether a proposed rule is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. If so, the governing body or its designee must prepare a small business impact statement which must be considered by the governing body at the meeting immediately preceding the meeting held to adopt the proposed rule. A business that is aggrieved by a rule may object to all or a part of the rule if: (1) the governing body or its designee failed to prepare a business

impact statement; or (2) the business impact statement is inaccurate or incomplete. (NRS 237.080, 237.090, 237.100)

Section 1 of this bill provides that if a governing body fails to ~~consider the business impact statement~~ **comply with such requirements to consider the potential impact on business** before taking action to adopt a proposed rule, the action taken by the governing body is void. **Sections 1.3 and 1.7 of this bill make conforming changes.**

Section 1.5 of this bill revises the definition of “local government” to include a health district. Section 1.9 of this bill requires a local government to consider the business impact statement at a public meeting held at least 10 calendar days before a meeting to adopt a proposed rule.

Section 2 of this bill authorizes a business to file a petition objecting to a rule on the grounds that the governing body of a local government failed **to comply with the requirements** to consider the **impact on** business ~~impact statement~~ before adopting the rule. **Section 2** also requires the governing body to take action to readopt the rule after the governing body considers the business impact statement.

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

Section 1. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

Any action of the governing body of a local government to adopt a proposed rule in violation of the provisions of this section and NRS 237.030 to 237.150, inclusive, is void.

Sec. 1.3. NRS 237.030 is hereby amended to read as follows:

237.030 As used in NRS 237.030 to 237.150, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 237.040, 237.050 and 237.060 have the meanings ascribed to them in those sections.

Sec. 1.5. NRS 237.050 is hereby amended to read as follows:

237.050 “Local government” means a political subdivision of this State, including, without limitation, a city, county, **health district**, irrigation district, water district or water conservancy district.

Sec. 1.7. NRS 237.070 is hereby amended to read as follows:

237.070 The provisions of NRS 237.030 to 237.150, inclusive, **and section 1 of this act** do not apply with respect to a rule for which a local government does not have the authority to consider less stringent alternatives, including, without limitation, a rule that the local government is required to adopt pursuant to a federal or state statute or regulation or pursuant to a contract or agreement into which the local government has entered.

Sec. 1.9. NRS 237.090 is hereby amended to read as follows:

237.090 1. A business impact statement prepared pursuant to NRS 237.080 must be considered by the governing body at ~~its regular~~ **a public meeting** ~~next preceding any regular meeting~~ held **at least 10 calendar days**

before the public meeting of the governing body held to adopt the proposed rule. The business impact statement must set forth the following information:

(a) A description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

(b) The estimated economic effect of the proposed rule on the businesses which it is to regulate, including, without limitation:

- (1) Both adverse and beneficial effects; and
- (2) Both direct and indirect effects.

(c) A description of the methods that the governing body of the local government or its designee considered to reduce the impact of the proposed rule on businesses and a statement regarding whether the governing body or its designee actually used any of those methods.

(d) The estimated cost to the local government for enforcement of the proposed rule.

(e) If the proposed rule provides a new fee or increases an existing fee, the total annual amount the local government expects to collect and the manner in which the money will be used.

(f) If the proposed rule includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

(g) The reasons for the conclusions regarding the impact of the proposed rule on businesses.

2. The county manager, city manager or other chief executive officer for the governing body of a local government shall sign the business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

3. The governing body of a local government shall not include the consideration of a business impact statement on the agenda for a public meeting unless the statement has been prepared and is available for public inspection at the time the agenda is first posted.

~~[4. Any action of the governing body of a local government to adopt a proposed rule is void if the governing body does not consider the business impact statement as required pursuant to subsection 1. As used in this subsection, "action" includes, without limitation, adopting a proposed rule on a consent agenda.]~~

Sec. 2. NRS 237.100 is hereby amended to read as follows:

237.100 1. A business that is aggrieved by a rule adopted by the governing body of a local government on or after January 1, 2000, may object to all or a part of the rule by filing a petition with the governing body that adopted the rule within 30 days after the date on which the rule was adopted.

2. A petition filed pursuant to subsection 1 may be based on the following grounds:

(a) The governing body of the local government or its designee failed to prepare a business impact statement as required pursuant to NRS 237.080 and 237.090; ~~for~~

(b) The business impact statement prepared by the governing body or its designee pursuant to NRS 237.080 and 237.090 is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the rule on businesses ~~it~~; *or*

(c) *The governing body of the local government failed to ~~consider the business impact statement~~ comply with any of the requirements of NRS 237.030 to 237.150, inclusive, and section 1 of this act before adopting the proposed rule.*

3. After receiving a petition pursuant to subsection 1, the governing body of a local government shall determine whether the petition has merit. If the governing body determines that the petition has merit, the governing body ~~may~~ *must* take action to *readopt or* amend the rule to which the business objected ~~it~~ *after considering the business impact statement.*

4. Each governing body of a local government shall provide a procedure for an aggrieved business to object to a rule adopted by the governing body. The procedure must be filed with the clerk of the local government and available upon request at no charge.

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. 420.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 310.

AN ACT relating to criminal procedure; establishing a uniform procedure for the criminal forfeiture of property used or obtained in certain crimes; providing for the distribution of forfeited property and proceeds from the sale of such property; requiring the reporting of certain information relating to the forfeiture of property; revising provisions authorizing the forfeiture of property; repealing certain provisions governing the seizure, forfeiture and disposition of property and proceeds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the seizure, forfeiture and disposition of certain property and proceeds attributable to the commission of certain crimes. (NRS 179.1156-179.121) Existing law separately provides for the seizure, forfeiture and disposition of property and proceeds attributable to any technological crime which is punishable as a felony. (NRS 179.1211-179.1235) Finally, existing law provides for the seizure, forfeiture and disposition of property and proceeds attributable to racketeering crimes. (NRS 207.350-207.520) **Section**

52 of this bill repeals the existing statutory scheme for the seizure, forfeiture and disposition of property and proceeds.

Sections 2-28 of this bill enact a new statutory scheme, under the jurisdiction of the courts presiding over criminal proceedings, governing the seizure, forfeiture and disposition of property and proceeds attributable to certain crimes. Section 9 of this bill provides that property is subject to forfeiture only if the underlying crime provides for such forfeiture, and there is: (1) proof of a criminal conviction; (2) a plea agreement; ~~for~~ (3) an agreement by the parties ~~to~~ ; **(4) clear and convincing evidence the defendant would have been convicted, if the defendant died before a conviction; or (5) a defendant who absconds.** Section 9 also requires the State to establish that seized property is forfeitable by clear and convincing evidence. Sections 13 and 14 of this bill provide for the seizure of property for which forfeiture is sought by a court order, or without a court order if: (1) the seizure is pursuant to a lawful arrest; (2) the property has been the subject of a prior judgment in the favor of the State; or (3) there is probable cause to believe that a delay would result in the removal or destruction of the property.

Sections 18, 19 and 20 of this bill authorize a person to: (1) file a petition for the remission or mitigation of a forfeiture; and (2) seek a pretrial hearing to determine the validity of the seizure. Section 25 of this bill provides that the property of an innocent owner may not be forfeited and sets forth a process for determining whether a person is an innocent owner. Section 26 of this bill provides that any forfeited currency or property auction proceeds must only: (1) be used to pay all outstanding recorded liens on the property; (2) be used to pay reasonable expenses, ~~except~~ **including itemized and reasonable** personnel costs; ~~and~~ (3) **be used to pay any restitution; and (4)** be deposited, if any funds remain, in the State Permanent School Fund.

Existing law requires: (1) each law enforcement agency to report certain information about each individual seizure and forfeiture completed by the agency during the preceding year; and (2) the Office of the Attorney General to post on its Internet website the reports submitted by law enforcement agencies and an aggregate report of all forfeitures in this State. (NRS 179.1205) Section 30 of this bill requires each law enforcement agency to report certain additional details in the annual report relating to the seizure, forfeiture and disposition of property. Section 30 also requires the Office of the Attorney General to post the reports on its Internet website in a format that provides for easy use and analysis of the information by other agencies and persons, such as an electronic spreadsheet. Sections 29-50 of this bill revise existing law authorizing the forfeiture of property attributable to certain crimes to incorporate references to the new procedures for forfeiture pursuant to sections 2-28.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 28, inclusive, of this act.

Sec. 2. *As used in sections 2 to 28, 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. *“Actual knowledge” means direct and clear awareness of information, a fact or a condition.*

Sec. 4. *“Conveyance” means a device used for transportation and includes, without limitation, a motor vehicle, trailer, snowmobile, airplane and vessel, and any equipment attached to it. The term does not include property that is stolen or taken in violation of the law.*

Sec. 5. *“Law subject to forfeiture” means a statute for which ~~forfeiture~~ :*

1. A felony is prescribed for a violation of the statute ~~for~~ or an attempt to violate such a statute; or

2. Forfeiture is explicitly prescribed.

Sec. 6. *The Legislature finds and declares that the public policy of this State concerning forfeiture of property is to:*

- 1. Deter criminal activity by reducing its economic incentives;*
- 2. Increase the pecuniary loss from engaging in criminal activity;*
- 3. Protect against the wrongful forfeiture of property; and*
- 4. Ensure that only criminal forfeiture is allowed in this State.*

Sec. 7. *The provisions of NRS 179.1205 and sections 2 to 28, inclusive, of this act govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.*

Sec. 8. 1. *When a person is convicted of violating a law subject to forfeiture, the court, consistent with the provisions of NRS 179.1205 and sections 2 to 28, inclusive, of this act may order the person to forfeit:*

- (a) Property the person derived directly from the commission of the crime;*
- (b) Property directly traceable to property described in paragraph (a); and*
- (c) Instrumentalities the person used in the commission of the crime.*

2. Property and instrumentalities subject to forfeiture are limited to:

(a) Land, buildings, containers, conveyances, equipment, materials, products, money, securities and negotiable instruments; and

(b) Ammunition, firearms and accessories used in the furtherance or commission of a violation of a law subject to forfeiture.

3. As used in this section, “instrumentality” means property otherwise lawful to possess that is used in a crime. The term includes, without limitation, a tool, firearm, conveyance, computer, computer software, telecommunication device, money and any other means of exchange.

Sec. 9. 1. *Property is subject to forfeiture only if the violation is of a law subject to forfeiture and the violation is established by:*

- (a) Proof of a criminal conviction;*
- (b) Part of a plea agreement approved by the presiding criminal court;*

~~for~~

(c) *Agreement by the parties ~~to~~;*

(d) *In the case of the death of the defendant, the State showing by clear and convincing evidence that the defendant would have been convicted of a violation of law subject to forfeiture; or*

(e) *The defendant absconding.*

2. *The State must establish that seized property is forfeitable by clear and convincing evidence.*

Sec. 10. *Upon the State's motion following conviction, the court may order the forfeiture of substitute property owned by the defendant up to the value of unreachable property if the State proves by a preponderance of the evidence that the defendant intentionally transferred, sold or deposited property with a third party to avoid the court's jurisdiction.*

Sec. 11. *The State may not seek personal money judgments or other remedies not provided by NRS 179.1205 and sections 2 to 28, inclusive, of this act.*

Sec. 12. *A defendant is not jointly and severally liable for forfeiture awards owed by other defendants. If ownership of property is unclear, a court may order each defendant to forfeit property on a pro rata basis or any other means the court finds equitable.*

Sec. 13. *At the request of the State, at any time, a court may issue an ex parte preliminary order to seize or secure property for which forfeiture is sought and to provide for its custody.*

Sec. 14. *Property subject to forfeiture may be seized at any time without a court order if:*

1. *The seizure is incident to a lawful arrest or a lawful search;*

2. *The property subject to seizure has been the subject of a prior judgment in favor of the State; or*

3. *The State has probable cause to believe that the delay occasioned by the necessity to obtain a court order would result in the removal or destruction of the property and that the property is forfeitable pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act.*

Sec. 15. *When property is seized, the law enforcement agency seizing the property shall:*

1. *Give an itemized receipt to the person possessing the property; or*

2. *In the absence of a person possessing the property, leave such a receipt in the place where the property was found, if reasonably possible.*

Sec. 16. 1. *At the time of the seizure of property or the entry of a restraining order relating to the property, the State acquires provisional title to the seized property. Provisional title authorizes the State to hold and protect the property.*

2. *Title to the property vests with the State when the trier of fact renders a final forfeiture verdict and relates back to the time when the State acquired provisional title to the property. However, such title is subject to claims by third parties adjudicated pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act.*

Sec. 17. 1. If the owner of seized property seeks its return before the criminal trial, the owner may post bond or give substitute property equal to the fair market value of the seized property at the time the bond amount is determined. On the posting of a bond or the giving of substitute property, the State shall return the seized property to the owner within a reasonable period not to exceed 5 business days. The forfeiture action may then proceed against the bond or substitute property.

2. This section does not apply to property reasonably held for investigatory purposes.

Sec. 18. 1. Before the entry of a court order disposing of a forfeiture action pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act, any person who has an interest in the seized property may file with the Attorney General a petition for remission or mitigation of the forfeiture.

2. The Attorney General or the Attorney General's designee shall remit or mitigate the forfeiture upon reasonable terms and conditions if the Attorney General or the Attorney General's designee finds that:

**(a) The petitioner did not intend to violate the law subject to forfeiture; or
(b) Extenuating circumstances justify the remission or mitigation of the forfeiture.**

Sec. 19. 1. In addition to any petition filed pursuant to section 18 of this act, after the seizure of property pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act, a defendant has a right to a pretrial hearing to determine the validity of the seizure of the property.

2. The defendant may claim, not less than 60 days before the trial of the related crime, the right to possession of the seized property by motion to the court.

3. If the defendant claims possession pursuant to subsection 2, the defendant shall file a motion to establish the validity of the alleged interest in the property.

4. The court shall hear a motion filed pursuant to subsection 3 not more than 30 days after the motion is filed.

5. The State shall file an answer showing probable cause for the seizure of the property, or cross motions, not less than 10 days before the hearing.

6. The court shall grant a motion filed pursuant to subsection 3 if it finds that the seized property is the only reasonable means for a defendant to pay for legal representation in the forfeiture or related criminal proceeding. At the court's discretion, the court may order the return of money or property sufficient to obtain legal counsel, but less than the total amount seized, and require an accounting. The return of money or property, pursuant to this subsection, must not exceed 10 percent of the value of the seized property or \$100,000, whichever is greater.

7. The court may order the State to give security for satisfaction of any judgment, including damages, that may be rendered in the action or order other relief as may be just.

Sec. 20. 1. *After the seizure of property pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act, a third party has a right to a pretrial hearing to determine the validity of the seizure of the property.*

2. *The third party may claim, not less than 60 days before the trial of the related crime, the right to possession of the seized property by motion to the court.*

3. *The third party shall file a motion establishing the validity of the alleged interest in the seized property.*

4. *The court shall hear the motion not more than 30 days after the motion is filed.*

5. *The State shall file an answer showing probable cause for the seizure, or cross motions, not less than 10 days before the hearing.*

6. *The court shall grant the motion if it finds that it is likely the final judgment will be that the State must return the property to the third party.*

7. *The court may order the State to give security for satisfaction of any judgment, including damages, that may be rendered in the action or order other relief as may be just.*

Sec. 21. *The local rules of practice adopted in the judicial district where the action is pending, to the extent they are not inconsistent with state law, apply to discovery pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act.*

Sec. 22. *The litigation related to the forfeiture of property must be held in a single proceeding following the trial of the related crime.*

Sec. 23. 1. *At any time after a determination by the trier of fact, the defendant may petition the court to determine whether the forfeiture is unconstitutionally excessive under the Nevada Constitution or the United States Constitution.*

2. *The defendant has the burden of establishing that the forfeiture is grossly disproportional to the seriousness of the related crime by a preponderance of the evidence at a hearing conducted by the court without a jury.*

3. *In determining whether the forfeiture of property is unconstitutionally excessive, the court may consider all relevant factors, including, without limitation:*

(a) *The seriousness of the related crime and the extent to which the defendant participated in the related crime;*

(b) *Whether the related crime occurred in connection with other criminal activities;*

(c) *The degree of harm caused by the defendant in proportion to the relative amount of the forfeiture;*

(d) *The sentence imposed for committing the related crime in proportion to the relative amount of the forfeiture; and*

(e) *The amount of any fine imposed on the defendant in proportion to the relative amount of the forfeiture.*

4. *In determining the value of the property subject to forfeiture, the court may consider relevant factors, including, without limitation:*

- (a) The fair market value of the property;*
- (b) The value of the property to the defendant, including hardship to the defendant if the forfeiture is realized; and*
- (c) The hardship from the loss of a primary residence, motor vehicle or other property to the defendant's family members or others if the property is forfeited.*

5. *The court may not consider the value of the property to the State in determining whether the forfeiture of the property is constitutionally excessive.*

6. *A petition filed pursuant to this section may be filed only to determine whether a forfeiture is unconstitutionally excessive under the Nevada Constitution or the United States Constitution, not whether the search and seizure or deprivation of property was unlawful.*

Sec. 24. 1. *A bona fide security interest in any property is not subject to forfeiture unless the person claiming a security interest in the property had actual knowledge that the property was subject to forfeiture at the time that the property was seized or restrained pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act.*

2. *A person claiming a security interest:*

- (a) Bears the burden of production; and*
- (b) Must establish the validity of the interest by a preponderance of the evidence.*

Sec. 25. *The property of an innocent owner may not be forfeited. The process for determining whether a person is an innocent owner is as follows:*

1. *A person who has any interest, including, without limitation, joint tenancy, tenancy in common or tenancy by the entirety, in property subject to forfeiture that existed at the time the unlawful conduct giving rise to the forfeiture occurred and who claims to be an innocent owner has the burden of production to show that the person has a legal right, title or interest in the property seized pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act.*

2. *The State shall summarily return the property subject to forfeiture to a person who is an innocent owner if the property in which the person has an interest is a ~~+~~*

~~*(a) Homestead declared pursuant to chapter 115 of NRS; or*~~

~~*(b) Vehicle if the equity in the vehicle is less than \$15,000.*~~

3. *If subsection 1 is satisfied and the State seeks to proceed with the forfeiture against the property, other than property listed in subsection 2, the State must prove by a preponderance of the evidence that the person had actual or constructive knowledge of the unlawful conduct giving rise to the forfeiture.*

4. *A person who acquired an ownership interest in property after the unlawful conduct giving rise to the forfeiture occurred and who claims to be*

an innocent owner has the burden of production to show that the person has legal right, title or interest in the property seized pursuant to NRS 179.1205 and sections 2 to 28, inclusive, of this act.

5. *If subsection 4 is satisfied and the State seeks to proceed with the forfeiture against the property, the State must prove by a preponderance of the evidence that at the time the person acquired the property interest, the person had actual or constructive knowledge that the property was subject to forfeiture or was not a bona fide purchaser without notice of any defect in title and for valuable consideration.*

6. *If the State fails to meet its burden pursuant to subsection 3 or 5, the court shall:*

(a) *Find that the person is an innocent owner; and*

(b) *Order the State to relinquish all claims of title to the property.*

~~[7. As used in this section, "constructive knowledge" means knowledge that is imputed to family or household members of a defendant if the defendant had been adjudicated guilty three or more times for the same or specified similar violation in the 10 years immediately preceding the alleged violation.]~~

Sec. 26. 1. *If a forfeiture is granted pursuant to section 8 of this act, the court may order that the property be delivered to the State Treasurer within 30 days after the order.*

2. *Upon motion, the court may order that a portion of any currency seized or proceeds from public auction be used to pay reasonable expenses, except personnel costs, related to the seizure, storage and maintenance of custody of any forfeited items.*

3. *The State Treasurer shall dispose of all forfeited property that is not currency at public auction.*

4. *Any auction proceeds and forfeited currency must be used only:*

(a) *To pay all outstanding recorded liens on the forfeited property;*

~~(b) To comply with an order of the court to pay reasonable expenses, except including an itemized statement of reasonable costs for personnel ; costs; and~~

~~(c) To comply with an order of the court to pay restitution; and~~

~~(d) If any amounts remain after satisfying the purposes set forth in paragraphs (a), ~~and~~ (b) ~~and~~ (c), to be deposited into the State Permanent School Fund.~~

Sec. 27. 1. A law enforcement agency or the State shall not:

~~1. (a) Retain forfeited property for its own use; ~~or~~~~

~~2. (b) Sell forfeited property directly or indirectly to:~~

~~(a) (1) An employee of the law enforcement agency ~~or~~ the State;~~

~~(b) (2) A person related to an employee of the law enforcement agency or the State by blood or marriage; or~~

~~(c) (3) Another law enforcement agency ~~or~~~~

~~3. Enter into an or ; or~~

(c) Request the transfer of any case to a federal court to seek the forfeiture of property to intentionally avoid the jurisdiction of the court.

2. Nothing in this section shall be construed to invalidate any agreement to transfer ~~for refer~~ to any federal agency property subject to forfeiture or forfeited ~~for~~ for the purpose of assisting a task force.

Sec. 28. 1. The State shall return seized property to the owner within a reasonable period not more than 5 days after:

(a) The court finds that the owner has a bona fide security interest;

(b) The court finds that the owner is an innocent owner pursuant to section 25 of this act;

(c) The acquittal or dismissal of the criminal charge that is the basis of the forfeiture proceedings; or

(d) The disposal of the criminal charge that is the basis of the forfeiture proceedings.

2. The State is responsible for any damages, storage fees and related costs applicable to property returned pursuant to subsection 1.

Sec. 29. NRS 179.1152 is hereby amended to read as follows:

179.1152 1. If a peace officer:

(a) Has detained a person pursuant to NRS 171.123, has arrested a person pursuant to any statutory provision authorizing or requiring the arrest of a person or is investigating a crime for which a suspect:

(1) Has not been identified; or

(2) Has been identified but was not reasonably believed by the peace officer to possess or control a prepaid or stored value card before the peace officer lawfully obtained possession of a prepaid or stored value card;

(b) Has lawfully obtained possession of a prepaid or stored value card; and

(c) Has probable cause to believe that the prepaid or stored value card represents the proceeds of a crime or has been used, is being used or is intended for use in the commission of a crime,

↪ the peace officer may use an electronic device, a necessary electronic communications network or any other reasonable means to determine the name, personal information and amount of funds associated with the prepaid or stored value card.

2. The Attorney General, the Attorney General's designee or any state or local law enforcement agency in this State may enter into a contract with any person to assist in carrying out the provisions of this section.

3. Before entering into a contract pursuant to subsection 2, the Attorney General, the Attorney General's designee or a state or local law enforcement agency shall consider the following factors:

(a) The functional benefits to all law enforcement agencies in this State of maintaining either a single database or a series of interlinked databases relating to possible criminal use of prepaid or stored value cards.

(b) The overall costs of establishing and maintaining such a database or databases.

(c) Any other factors that the Attorney General, the Attorney General's designee or the state or local law enforcement agency believe to be relevant.

4. Any contract entered into pursuant to this section:

(a) May be a sole source contract, not subject to the rules and requirements of open competitive bidding, if the period of the contract does not exceed 5 years; and

(b) Must indemnify and hold harmless any person who enters into a contract pursuant to this section, and any officers, employees or agents of that person, for claims for actions taken at the direction of a law enforcement agency in this State and within the scope of the contract.

5. As used in this section:

(a) "Prepaid or stored value card" means any instrument or device used to access funds or monetary value represented in digital electronic format, whether or not specially encrypted, and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically.

(b) "Proceeds" ~~has the meaning ascribed to it in NRS 179.1161.~~ **means any property, or that part of an item of property, derived directly or indirectly from the commission or attempted commission of a crime.**

Sec. 30. NRS 179.1205 is hereby amended to read as follows:

179.1205 1. On an annual basis, each law enforcement agency shall report the following information about each individual seizure and forfeiture completed by the law enforcement agency under state forfeiture law:

(a) Data on seizures and forfeitures, including, without limitation, the:

(1) Date that **and location from which** currency, vehicles, houses or other types of property were seized;

(2) Type of property seized, including, the year, make and model, as applicable;

(3) Type of crime associated with the seizure of the property ~~†~~ , **including, as applicable:**

(I) The crime for which the suspect was charged;

(II) The criminal case number; and

(III) The disposition of the case at the date of reporting;

(4) Market value of the property seized;

(5) Disposition of the property following the seizure ~~†~~ and

~~—(6) Date†, including, without limitation:~~

(I) The date of the disposition of the property †;

(II) Whether the property has been disposed of pursuant to section 26 of this act or remains in custody;

(III) Whether a claim was filed for the return of the property and, if so, the name of the person who filed the claim and the disposition of the claim at the time of reporting, including the award of any attorney's fees; and

(IV) Whether an agreement was reached between the parties.

(b) Data on the use of proceeds, including, without limitation, the:

- (1) Payment of all outstanding **recorded** liens on the forfeited property;
- (2) Payment of reasonable expenses, except personnel costs, of the seizure, storage and maintenance of custody of any forfeited property; and
- (3) ~~{Distribution}~~ **Deposit** of proceeds **into the State Permanent School Fund** pursuant to ~~{NRS 179.118, 179.1187, 179.1233 and 207.500}~~ **section 26 of this act.**

(c) Any other information required by the Office of the Attorney General.

2. The Office of the Attorney General shall develop standard forms, processes and deadlines for the entry of electronic data for the annual submission of the report required by subsection 1.

3. Each law enforcement agency shall file with the Office of the Attorney General the report required by subsection 1. A null report must be filed by a law enforcement agency that did not engage in a seizure or forfeiture during the reporting period. The Office of the Attorney General shall compile the submissions and issue an aggregate report of all forfeitures in this State.

4. On or before April 1 of each year, the Office of the Attorney General shall make available:

(a) On its Internet website, the reports submitted by law enforcement agencies and the aggregate report ~~{}~~ **in one or more electronic formats, one of which must provide for the easy use and analysis of the information reported by other agencies and persons, including, without limitation an electronic spreadsheet.**

(b) Upon request, printed copies of the reports submitted by law enforcement agencies and the aggregate report.

5. The Office of the Attorney General shall include in the aggregate report information on any law enforcement agencies not in compliance with this section.

Sec. 31. NRS 31.840 is hereby amended to read as follows:

31.840 ~~{Except as provided in NRS 179.1171, the}~~ **The** plaintiff in an action to recover the possession of personal property may, at the time of issuing the summons, or at any time before answer, claim the delivery of such property to the plaintiff as provided in this chapter.

Sec. 32. NRS 115.010 is hereby amended to read as follows:

115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.

2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed \$550,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.

3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements

made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:

(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or

(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

↪ by both spouses, when that relation exists.

4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:

(a) Any mortgage or deed of trust thereon; and

(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,

↪ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.

5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS ~~179.1156 to 179.121, inclusive, 179.1211 to 179.1235, inclusive, or 207.350 to 207.520,~~ **179.1205 and sections 2 to 28, inclusive** ~~},~~ **of this act.**

6. Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007.

Sec. 33. NRS 200.760 is hereby amended to read as follows:

200.760 All assets derived from or relating to any violation of NRS 200.366, 200.710 to 200.730, inclusive, or 201.230 are subject to forfeiture. A proceeding for their forfeiture may be brought pursuant to NRS ~~179.1156 to 179.1205, inclusive,~~ **and sections 2 to 28, inclusive, of this act.**

Sec. 34. NRS 201.351 is hereby amended to read as follows:

201.351 ~~179.121~~ All assets derived from or relating to any violation of NRS 201.300 or 201.320 are subject to forfeiture pursuant to NRS ~~179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.~~

~~— 2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:~~

~~— (a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and~~

~~— (b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.~~

~~— 3. A temporary restraining order which is issued without notice may be issued for not more than 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.~~

~~— 4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution or for services to victims which are designated to receive such distributions by the district attorney of the county. **179.1205 and sections 2 to 28, inclusive, of this act.**~~

Sec. 35. NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

↳ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is requested by a police officer to submit to the test. If a person to be tested fails to submit to a required test as requested by a police officer, the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS ~~179.1156 to~~ 179.1205 ~~and sections 2 to 28~~, inclusive, *of this act* only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his or her blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 36. NRS 205A.060 is hereby amended to read as follows:

205A.060 The Board shall:

1. Facilitate cooperation between state, local and federal officers in detecting, investigating and prosecuting technological crimes.

2. Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes.

3. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.

4. Assist the Division of Enterprise Information Technology Services of the Department of Administration in securing governmental information systems against illegal intrusions and other criminal activities.

5. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.

6. ~~Distribute money deposited pursuant to NRS 179.1233 into the Account for the Technological Crime Advisory Board in accordance with the provisions of NRS 205A.090.~~

~~7.~~ Authorize the payment of expenses incurred by the Board in carrying out its duties pursuant to this chapter.

Sec. 37. NRS 205A.090 is hereby amended to read as follows:

205A.090 1. The Account for the Technological Crime Advisory Board is hereby created in the State General Fund. The Board shall administer the Account.

2. The money in the Account must only be used to carry out the provisions of this chapter and pay the expenses incurred by the Board in the discharge of its duties, including, without limitation, the payment of any expenses related to the creation and subsequent activities of the task forces on technological crime.

3. ~~For each criminal or civil forfeiture carried out pursuant to NRS 179.1211 to 179.1235, inclusive, the Board shall distribute the money deposited into the Account pursuant to NRS 179.1233 in the following manner:~~

~~—(a) Not less than 25 percent to be retained in the Account for use by the Board to carry out the provisions of this chapter and to pay the expenses incurred by the Board in the discharge of its duties.~~

~~—(b) Not more than 75 percent to be distributed to the federal, state and local law enforcement agencies that participated in the investigation of the unlawful act giving rise to the criminal or civil forfeiture in accordance with the level of participation of each law enforcement agency as determined by the Board. If the participating law enforcement agencies have entered into an agreement to share any such money, the Board shall distribute the money to the law enforcement agencies in accordance with the provisions of the agreement.~~

~~—4.} Claims against the Account must be paid as other claims against the State are paid.~~

~~{5.} 4.~~ The money in the Account that is provided from sources other than the State General Fund or the State Highway Fund must remain in the Account and must not revert to the State General Fund at the end of any fiscal year. Money in the Account that is appropriated or allocated from the State General Fund or the State Highway Fund must revert as provided in the legislation that authorizes the appropriation or the allocation.

Sec. 38. NRS 207.410 is hereby amended to read as follows:

207.410 In lieu of the fine which may be imposed for a violation of NRS 207.400, the convicted person may be sentenced to pay a fine which does not exceed three times:

1. Any gross pecuniary value the convicted person gained; or
 2. Any gross loss the convicted person caused, including property damage and personal injury but excluding any pain and suffering,
- ↪ whichever is greater, as a result of the violation. The convicted person may also be sentenced to pay court costs and the reasonable costs of the investigation and prosecution. If property is ordered forfeited pursuant to NRS ~~{207.450,}~~ **179.1205 and sections 2 to 28, inclusive, of this act**, the value of that property must be subtracted from a fine imposed pursuant to this section.

Sec. 39. NRS 207.420 is hereby amended to read as follows:

207.420 ~~{1.}~~ If the indictment or information filed regarding a violation of NRS 207.400 alleges that real or personal property was derived from, realized through, or used or intended for use in the course of the unlawful act and the extent of that property:

- ~~{(a)}~~ **1.** The jury; or
- ~~{(b)}~~ **2.** If the trial is without a jury, the court,
- ↪ shall, upon a conviction, determine at a separate hearing the extent of the property to be forfeited ~~{1}~~ **pursuant to NRS 179.1205 and sections 2 to 28, inclusive of this act**. If the indictment or information does not include such an allegation, the property is not subject to criminal forfeiture.

~~{2.} The property subject to criminal forfeiture pursuant to subsection 1 includes:~~

- ~~—(a) Any title or interest acquired or maintained by the unlawful conduct;~~
- ~~—(b) Any proceeds derived from the unlawful conduct;~~

~~—(e) Any property or contractual right which affords a source of influence over any enterprise established, operated, controlled, participated in or conducted in violation of NRS 207.400;~~

~~—(d) Any position, office, appointment, tenure or contract of employment:~~

~~—(1) Which was acquired or maintained in violation of NRS 207.400;~~

~~—(2) Through which the convicted person conducted or participated in the conduct of such unlawful affairs of an enterprise; or~~

~~—(3) Which afforded the convicted person a source of influence or control over the affairs of an enterprise which the convicted person exercised in violation of NRS 207.400;~~

~~—(e) Any compensation, right or benefit derived from a position, office, appointment, tenure or contract of employment that accrued to the convicted person during the period of unlawful conduct; and~~

~~—(f) Any amount payable or paid under any contract for goods or services which was awarded or performed in violation of NRS 207.400.~~

~~3. If property which is ordered to be criminally forfeited pursuant to subsection 1:~~

~~—(a) Cannot be located;~~

~~—(b) Has been sold to a purchaser in good faith for value;~~

~~—(c) Has been placed beyond the jurisdiction of the court;~~

~~—(d) Has been substantially diminished in value by the conduct of the defendant;~~

~~—(e) Has been commingled with other property which cannot be divided without difficulty or undue injury to innocent persons; or~~

~~—(f) Is otherwise unreachable without undue injury to innocent persons;~~

~~the court shall order the forfeiture of other property of the defendant up to the value of the property that is unreachable.]~~

Sec. 40. NRS 207.470 is hereby amended to read as follows:

207.470 1. Any person who is injured in his or her business or property by reason of any violation of NRS 207.400 has a cause of action against a person causing such injury for three times the actual damages sustained. An injured person may also recover attorney's fees in the trial and appellate courts and costs of investigation and litigation reasonably incurred. The defendant or any injured person in the action may demand a trial by jury in any civil action brought pursuant to this section. Any injured person has a claim to forfeited property or the proceeds derived therefrom and this claim is superior to any claim the State may have to the same property or proceeds if the injured person's claim is asserted before a final decree is issued which grants forfeiture of the property or proceeds to the State.

2. A final judgment or decree rendered in favor of the State in any criminal proceeding under NRS 205.322 or 207.400 estops the defendant in any subsequent civil action or proceeding from denying the essential allegations of the criminal offense.

3. Any civil action or proceeding under this section must be instituted in the district court of the State in the county in which the prospective defendant

resides or has committed any act which subjects him or her to criminal or civil liability under this section or NRS 205.322 ~~+~~ or 207.400 . ~~for 207.460.~~

4. Any civil remedy provided pursuant to this section is not exclusive of any other available remedy or penalty.

Sec. 41. NRS 207.480 is hereby amended to read as follows:

207.480 A district court may, following a determination of civil liability under NRS 207.470 , ~~for 207.490,~~ take such actions as it deems proper, including ordering the defendant to pay all costs and expenses of the proceedings.

Sec. 42. NRS 217.260 is hereby amended to read as follows:

217.260 1. Money for payment of compensation as ordered by the Board and for payment of salaries and other expenses incurred by the Department pursuant to NRS 217.010 to 217.270, inclusive, must be paid from the Fund for the Compensation of Victims of Crime, which is hereby created. Money in the Fund must be disbursed on the order of the Board in the same manner as other claims against the State are paid and in accordance with the rules and regulations adopted pursuant to NRS 217.130. Such rules and regulations must include, without limitation, the requirements that:

- (a) Claims be categorized as to their priority; and
- (b) Claims categorized as the highest priority be paid, in whole or in part, before other claims.

2. The Department shall prepare and submit quarterly to the Board, for its approval, estimates of:

- (a) The revenue in the Fund which is available for the payment of compensation; and
- (b) The anticipated expenses for the next quarter.

3. ~~Money deposited in the Fund which is recovered from a forfeiture of assets pursuant to NRS 200.760 and the interest and income earned on that money must be used for the counseling and medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710, 200.720, 200.725, 200.730 or 201.230.~~

~~4.~~ The interest and income earned on the money in the Fund for the Compensation of Victims of Crime, after deducting any applicable charges, must be credited to the Fund.

~~5.~~ **4.** Any money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund and must be carried over into the next fiscal year.

Sec. 43. NRS 228.178 is hereby amended to read as follows:

228.178 1. The Attorney General may:

- (a) Investigate and prosecute any alleged technological crime.
- (b) Pursue the forfeiture of property relating to a technological crime in accordance with the provisions of NRS ~~179.1211 to 179.1235,~~ **179.1205 and sections 2 to 28,** inclusive ~~+~~, **of this act.**

- (c) Bring an action to enjoin or obtain any other equitable relief to prevent the occurrence or continuation of a technological crime.

2. As used in this section, “technological crime” has the meaning ascribed to it in NRS 205A.030.

Sec. 44. NRS 370.419 is hereby amended to read as follows:

370.419 All fixtures, equipment and other materials and personal property on the premises of any wholesale or retail dealer who, with intent to defraud the State:

1. Fails to keep or make any record, return, report or inventory required pursuant to NRS 370.080 to 370.327, inclusive;

2. Keeps or makes any false or fraudulent record, return, report or inventory required pursuant to NRS 370.080 to 370.327, inclusive;

3. Refuses to pay any tax imposed pursuant to NRS 370.080 to 370.327, inclusive; or

4. Attempts in any manner to evade or defeat the requirements of NRS 370.080 to 370.327, inclusive,

↪ is subject to forfeiture pursuant to NRS ~~179.1156 to~~ 179.1205 ~~179.1156 to~~ **and sections 2 to 28**, inclusive ~~179.1156 to~~, **of this act.**

Sec. 45. NRS 387.303 is hereby amended to read as follows:

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

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

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

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

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

(e) The number of employees who received an increase in salary pursuant to NRS 391.161, 391.162 or 391.163 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively

pursuant to NRS 391.161, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

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

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

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

~~(i) The expenditures from the account created pursuant to subsection 4 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year and the specific amount spent on books and computer hardware and software for each grade level in the district.~~

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

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

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

(b) May increase the line items of expenditures or revenues based on merit salary increases and cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) May adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items; and

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

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

5. The request prepared pursuant to subsection 3 must:

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

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

Sec. 46. NRS 453.301 is hereby amended to read as follows:

453.301 The following are subject to forfeiture pursuant to NRS ~~179.1156 to~~ 179.1205 ~~and sections 2 to 28~~, inclusive ~~of this act~~:

1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

3. All property which is used, or intended for use, as a container for property described in subsections 1 and 2.

4. All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used, or intended for use, in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

5. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, concealment, manufacture or protection, for the purpose of sale, possession for sale or receipt of property described in subsection 1 or 2.

6. All drug paraphernalia as defined by NRS 453.554 which are used in violation of NRS 453.560, 453.562 or 453.566 or a law of any other jurisdiction which prohibits the same or similar conduct, or of an injunction issued pursuant to NRS 453.558.

7. All imitation controlled substances which have been manufactured, distributed or dispensed in violation of the provisions of NRS 453.332 or 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

8. All real property and mobile homes used or intended to be used by any owner or tenant of the property or mobile home to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. As used in this subsection, "tenant" means any person entitled, under a written or oral rental agreement, to occupy real property or a mobile home to the exclusion of others.

9. Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct, all proceeds traceable to such an exchange, and all other property used or intended to be used to facilitate a violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 453.011 to 453.552, inclusive, except NRS 453.336. If an amount of cash which exceeds \$300 is found in the possession of a person who is arrested for a violation of NRS 453.337 or 453.338, then there is a rebuttable presumption that the cash is traceable to an exchange for a controlled substance and is subject to forfeiture pursuant to this subsection.

10. All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

11. All computer hardware, equipment, accessories, software and programs that are in the actual or constructive possession of a person who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy and who violates the provisions of NRS 453.3611 to 453.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.

Sec. 47. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

- (a) Be written in language which is easily understood;
- (b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;
- (c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;
- (d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS ~~179.1156 to 179.1205~~, ~~inclusive,~~ **and sections 2 to 28, inclusive, of this act** and **NRS 453.301** unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and 40.254 authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS ~~179.1156 to 179.1205~~, ~~inclusive,~~ **and sections 2 to 28, inclusive, of this act** and **NRS 453.301**.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 48. NRS 453A.410 is hereby amended to read as follows:

453A.410 1. If a law enforcement agency legally and justly seizes evidence from a medical marijuana establishment on a basis that, in consideration of due process and viewed in the manner most favorable to the establishment, would lead a reasonable person to believe that a crime has been committed, the relevant provisions of NRS ~~179.1156 to 179.121~~, **179.1205 and sections 2 to 28**, inclusive, **of this act** apply insofar as they do not conflict with the provisions of this chapter.

2. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

Sec. 49. 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) An 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 ~~+~~ **and sections 2 to 28**, inclusive ~~+~~, **of this act.**

Sec. 50. NRS 599B.255 is hereby amended to read as follows:

599B.255 1. Except as otherwise provided in NRS 599B.213, the Attorney General or the district attorney of any county in this state may prosecute a person who willfully violates, either directly or indirectly, the provisions of this chapter. Except as otherwise provided in subsection 3, such a person:

(a) For the first offense within 10 years, is guilty of a misdemeanor.

(b) For the second offense within 10 years, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses within 10 years, is guilty of a category D felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 193.130.

2. Any offense which occurs within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 1 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

3. A person who violates any provision of NRS 599B.080 is guilty of a category D felony and shall be punished as provided in NRS 193.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 193.130.

4. Property or proceeds attributable to any violation pursuant to the provisions of this section are subject to forfeiture in the manner provided by NRS ~~179.1156 to 179.121,~~ **179.1205 and sections 2 to 28**, inclusive ~~+~~, **of this act.**

Sec. 51. The amendatory provisions of this act apply to property that is seized on or after October 1, 2019.

Sec. 52. NRS 179.1156, 179.1157, 179.1158, 179.1159, 179.1161, 179.1162, 179.1163, 179.11635, 179.1164, 179.1165, 179.1169, 179.1171, 179.1173, 179.1175, 179.118, 179.1185, 179.1187, 179.119, 179.121, 179.1211, 179.1213, 179.1215, 179.1217, 179.1219, 179.1221, 179.1223, 179.1225, 179.1227, 179.1229, 179.1231, 179.1233, 179.1235, 207.415, 207.430, 207.440, 207.450, 207.460, 207.490, 207.500 and 207.510 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

179.1156 Scope.

179.1157 Definitions.

179.1158 “Claimant” defined.

- 179.1159 "Plaintiff" defined.
- 179.1161 "Proceeds" defined.
- 179.1162 "Property" defined.
- 179.1163 "Protected interest" defined.
- 179.11635 "Willful blindness" defined.
- 179.1164 Property subject to seizure and forfeiture; exceptions.
- 179.1165 Seizure of property: Requirement of process.
- 179.1169 Title in property; transfer.
- 179.1171 Proceedings for forfeiture: Rules of practice; complaint; service of summons and complaint; answer; parties.
- 179.1173 Proceedings for forfeiture: Priority over other civil matters; order to stay; standard of proof; conviction of claimant not required; confidentiality of informants; return of property to claimant; forfeiture as part of plea or stipulated agreement.
- 179.1175 Disposition of property after seizure and forfeiture.
- 179.118 Distribution of proceeds from forfeited property.
- 179.1185 Issuance of certificate of title for forfeited vehicle or other conveyance.
- 179.1187 Establishment of account for proceeds from forfeited property; restrictions on use of money in account; distribution of certain amount to school district; duties of school district and chief administrative officer of law enforcement agency.
- 179.119 Quarterly reports by law enforcement agencies that receive forfeited property or related proceeds; inclusion of such anticipated revenue in budget prohibited.
- 179.121 Forfeiture of personal property and conveyances used in commission of crime.
- 179.1211 Definitions.
- 179.1213 "Proceeds" defined.
- 179.1215 "Property" defined.
- 179.1217 "Technological crime" defined.
- 179.1219 Property subject to forfeiture; substitution for unreachable property.
- 179.1221 Forfeiture as part of plea agreement.
- 179.1223 Temporary restraining order to preserve property.
- 179.1225 Orders to secure property.
- 179.1227 Order of forfeiture; order to protect interests of State.
- 179.1229 Property subject to civil forfeiture; required proof; where action must be instituted.
- 179.1231 Seizure of property before forfeiture and final disposition; institution of proceedings; intercession by district attorney or Attorney General; interlocutory actions by court; order of forfeiture.
- 179.1233 Sale of forfeited property; use of proceeds; deposit of balance of proceeds in Account for the Technological Crime Advisory Board; payment of certain encumbrances.

179.1235 Limitation of actions.

207.415 Account for Prosecution of Racketeering created; use and distribution of money by Attorney General; reimbursement of Account.

207.430 Criminal forfeiture: Temporary restraining order to preserve property.

207.440 Criminal forfeiture: Orders to secure property.

207.450 Criminal forfeiture: Order of forfeiture; protection of property.

207.460 Civil forfeiture: Property subject to forfeiture.

207.490 Criminal and civil forfeiture: Seizure of property before forfeiture and final disposition; order of forfeiture; intercession by Attorney General; interlocutory actions by court.

207.500 Use, sale and other disposal of forfeited property by State, county or city; payment of certain encumbrances.

207.510 Parties to proceedings for forfeiture of property.

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. 422.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 602.

AN ACT relating to criminal procedure; ~~providing that a person who is a victim of domestic violence or sexual assault and who fails to obey a subpoena shall not be deemed a contempt of the court, prohibiting~~ **revising provisions relating to** a judge or magistrate ~~from~~ requiring certain bail if a person ~~is a victim of domestic violence or sexual assault, prohibiting~~ **fails to appear as a material witness; revising provisions relating to** a court or officer ~~from~~ issuing certain warrants for arrest if a person ~~is a victim of domestic violence or sexual assault;~~ **fails to appear as a witness;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the prosecuting attorney or the attorney for the defendant in a criminal proceeding to issue subpoenas for witnesses within the State to appear before the court at which an indictment, information or criminal complaint is to be tried. (NRS 174.315) Existing law also provides that a person who, without an adequate excuse, fails to obey a subpoena of a court or a prosecuting attorney that was served upon the person, or that was delivered to the person and accepted, is in contempt of the court. (NRS 174.385) Section 1 of this bill excludes a person who is a victim of domestic violence or sexual assault from such provisions governing contempt.]~~

Existing law authorizes a magistrate to require bail for a person who appears as a witness if such a person is material in a criminal proceeding and it is

impracticable to secure the presence of the person by subpoena. (NRS 178.494) ~~Section 2 of this bill [prohibits] requiring such bail if a person is a victim of domestic violence or sexual assault.~~ **requires a judge or magistrate [from] to appoint an attorney when bail is required for such a material witness and requires such an attorney to be present, when practicable. Section 2 also prescribes certain requirements for making a determination whether a material witness should be detained or continue to be detained, including requiring the material witness to appear before a magistrate as soon as practicable but not later than 72 hours after being detained. Finally, section 2: (1) requires a material witness who is a victim of domestic violence or sexual assault to appear before a magistrate not later than 24 hours after being detained; and (2) authorizes such a determination to be made by telephone for such material witnesses.**

Existing law authorizes a court or officer to issue a warrant to arrest a witness upon the failure of the witness to appear. (NRS 50.205) ~~Section 3 of this bill [prohibits] when issuing such a warrant . [if the witness is a victim of domestic violence or sexual assault.]~~ **requires a court or officer [from] to appoint an attorney when issuing such a warrant . [if the witness is a victim of domestic violence or sexual assault.] Section 3 also prescribes certain requirements for making a determination whether a witness should be detained or continue to be detained, including requiring the witness to appear before a court or officer as soon as practicable but not later than 72 hours after being detained. Finally, section 3: (1) requires a witness who is a victim of domestic violence or sexual assault to appear before a court or officer not later than 24 hours after being detained; and (2) authorizes such a determination to be made by telephone for such witnesses.**

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

Section 1. ~~NRS 174.385 is hereby amended to read as follows:~~

~~174.385 [Failure]~~

~~1. Except as otherwise provided in subsection 2, failure by any person without an adequate excuse to obey a subpoena of a court, a prosecuting attorney or an attorney for a defendant served upon the person or, in the case of a subpoena issued by a prosecuting attorney or an attorney for a defendant, delivered to the person and accepted, shall be deemed a contempt of the court from which the subpoena issued or, in the case of a subpoena issued by a prosecuting attorney or an attorney for a defendant, of the court in which a preliminary hearing is to be held, an investigation is pending or an indictment, information or complaint is to be tried.~~

~~2. The provisions of this section do not apply to a person who is a victim of domestic violence or sexual assault.~~

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

~~(a) "Domestic violence" means the commission of any act described in NRS 33.018.~~

~~(b) “Sexual assault” has the meaning ascribed to it in NRS 49.2543.~~
(Deleted by amendment.)

Sec. 2. NRS 178.494 is hereby amended to read as follows:

178.494 1. ~~If Except as otherwise provided in subsection 3, if~~ it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure the person’s presence by subpoena, the magistrate may require bail for the person’s appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:

(a) Commit the person to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed;

(b) Order the person’s release if the person has been detained for an unreasonable length of time; and

(c) Modify at any time the requirement as to bail.

2. ~~Every~~ Upon requiring bail for the person’s appearance as a material witness, the magistrate shall appoint an attorney to represent the person and provide the attorney:

(a) With the last known contact information of the person; and

(b) Notice of every proceeding.

3. Except as otherwise provided in subsection 4, every person detained as a material witness must be brought before a judge or magistrate ~~within~~ as soon as practicable, but not later than 72 hours after the beginning of the detention. The judge or magistrate shall consider the least restrictive means to secure the person’s presence and make a determination whether:

(a) The amount of bail required to be given by the material witness should be modified; and

(b) The detention of the material witness should continue. If the court determines that detention of the material witness should continue, the court must make written findings stating why detention should continue.

4. A person detained as a material witness pursuant to this section who is a victim of domestic violence or sexual assault:

(a) Must be brought before a judge or magistrate, as soon as practicable, but not later than 24 hours after the beginning of the detention:

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.

~~5.~~ 5. The judge or magistrate shall ~~set~~ :

(a) Set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue.

~~3. The provisions of this section do not apply to a person who is a victim of domestic violence or sexual assault.~~

~~4.~~ ; and

(b) Schedule the case in which the material witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

6. As used in this section:

(a) “Domestic violence” means the commission of any act described in NRS 33.018.

(b) “Sexual assault” has the meaning ascribed to it in NRS 49.2543.

Sec. 3. NRS 50.205 is hereby amended to read as follows:

50.205 ~~§~~

1. ~~Except as otherwise provided in subsection 2, in~~ In case of failure of a witness to attend, the court or officer issuing the subpoena, upon proof of the service thereof and of the failure of the witness, may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court or officer where the attendance of the witness was required.

2. ~~The provisions of this section do not apply to a person who is a victim of domestic violence or sexual assault.~~ Upon issuing a warrant pursuant to subsection 1, the court or officer issuing the warrant shall appoint an attorney to represent the witness and provide the attorney:

(a) With the last known contact information of the witness; and

(b) Notice of every proceeding.

3. Except as otherwise provided in subsection 4, every witness detained pursuant to a warrant issued pursuant to this section must be brought before the court or officer as soon as practicable but not later than 72 hours after the beginning of the detention. The court or officer shall consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines that the detention of the witness should continue, the court must make written findings stating why detention should continue.

4. A person detained as a witness pursuant to this section who is a victim of domestic violence or sexual assault:

(a) Must be brought before the court or officer as soon as practicable but not later than 24 hours after the beginning of the detention;

(b) May be detained or continue detention pursuant to a determination by telephone; and

(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.

5. The court or officer shall:

(a) Set a schedule for the periodic review of whether detention should continue; and

(b) Schedule the case in which the witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.

6. As used in this section:

(a) “Domestic violence” means the commission of any act described in NRS 33.018.

(b) “Sexual assault” has the meaning ascribed to it in NRS 49.2543.

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. 425.

Bill read second time.

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

Amendment No. 456.

AN ACT relating to public affairs; requiring that fingerprinting services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of fingerprinting services; authorizing disciplinary action and other remedies in specified circumstances; providing ~~civil and criminal penalties;~~ a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires any person that offers fingerprinting services for compensation to register with the Secretary of State and comply with various requirements. **Section ~~3~~ 2.7** of this bill defines ~~“fingerprinting service”~~ a “fingerprint technician” as a person, not including a local, state or federal law enforcement agency, that provides services to fingerprint a person for compensation. **Section 4 of this bill defines a “registrant” as the owner of a fingerprint facility or a fingerprint technician registered with the Secretary of State.** **Sections 5 and 6** of this bill require any person wishing to engage in the business of providing a fingerprinting service to register with the Secretary of State and renew that registration annually. **Section 5** establishes certain qualifications for registration and provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct. **Section 5 also provides that a person who provides a fingerprinting service without registering as an owner of a fingerprint facility or a fingerprint technician with the Secretary of State is guilty of a misdemeanor.** **Section 7** of this bill requires the Secretary of State to account separately for the fees collected from a registrant. **Section 8** of this bill requires a ~~fingerprinting service~~ registrant to file and maintain with the Secretary of State a cash bond or surety bond to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or to provide payment to the Secretary of State for any civil penalty or award of attorney's fees or costs made against the ~~fingerprinting service~~ registrant.

Sections 9 and 10 of this bill enact provisions relating to court orders for the support of a child against natural persons who apply for registration or a renewal of registration.

~~Section 11 of this bill establishes provisions relating to the advertising of a fingerprinting service.~~ **Section 12** of this bill requires a ~~fingerprinting~~

~~service] registrant~~ to post a notice containing certain information in its place of business. **Section 13** of this bill requires: (1) a ~~[fingerprinting service]~~ **registrant** required to obtain a state business license to obtain and maintain a state business license; and (2) each ~~[fingerprinting service]~~ **registrant** to conspicuously display at the registrant's place of business a copy of any state and local business license issued to the ~~[fingerprinting service]~~. ~~Section 14 of this bill requires a fingerprinting service to provide a disclosure containing certain information to a person who uses the services of the fingerprinting service. Section 15 of this bill provides that: (1) there must be a written contract between the client and the fingerprinting service; and (2) the contract must contain certain terms and disclosures. Section 16 of this bill requires a fingerprinting service to include certain information on any documents prepared for a person who uses the services of the fingerprinting service.]~~ **registrant.**

~~Sections [17-20]~~ **17 and 18** of this bill set forth various required and prohibited practices applicable to a ~~[fingerprinting service.]~~ **registrant.** **Section 21** of this bill authorizes the Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a ~~[fingerprinting service.]~~ **registrant.** **Section 22** of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of this bill and take certain actions if such a violation is found. **Section 23** of this bill authorizes the Secretary of State to conduct certain reviews of records required to be maintained by a ~~[fingerprinting service.]~~ **registrant.** **Section 24** of this bill authorizes the Secretary of State to deny, suspend, revoke or refuse to renew a registration under certain circumstances. ~~[Sections 25 and 26 of this bill provide for civil and criminal penalties for a person who violates the provisions of this bill.]~~ **Section 27** of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of such a violation.

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

Section 1. Title 19 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~[3 and]~~ 2.3 to 4, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 2.3. *"Fingerprint applicant" means a person who receives a fingerprinting service.*

Sec. 2.5. *"Fingerprint facility" means a commercial facility of a private fingerprinting service at which fingerprinting equipment is contained and where fingerprinting services are rendered.*

Sec. 2.7. “Fingerprint technician” means a person that provides services to a fingerprint applicant for compensation. The term does not include any local, state or federal law enforcement agency.

Sec. 3. “Fingerprinting service” means ~~fa person that provides services to fingerprint a person for compensation. The term does not include any local, state or federal law enforcement agency.~~ the act of collecting biometric data in the form of fingerprints.

Sec. 4. “Registrant” means ~~fa fingerprinting service~~ the owner of a fingerprint facility or a fingerprint technician registered pursuant to this chapter.

Sec. 5. 1. A person who wishes to engage in the business of providing a fingerprinting service must be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security, and be at least 18 years of age.

2. The Secretary of State shall conduct a background check of each applicant for registration as an owner of a fingerprint facility or a fingerprint technician.

3. The Secretary of State shall not register as ~~fa fingerprinting service~~ an owner of a fingerprinting facility or a fingerprint technician any person:

(a) Whose registration as ~~fa fingerprinting service~~ an owner of a fingerprint facility or a fingerprint technician in this State or another state has previously been revoked for cause; or

(b) ~~Who has previously been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor or a category D felony pursuant to section 26 of this act; or~~

~~(c)~~ Who has, within the 10 years immediately preceding the date of the application for registration as ~~fa fingerprinting service~~ an owner of a fingerprint facility or a fingerprint technician, been:

(1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty; or

(2) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.

~~3.4.~~ 4. An application for registration as ~~fa fingerprinting service~~ an owner of a fingerprint facility or a fingerprint technician must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A nonrefundable application fee of \$50; and

(b) A cash bond or surety bond meeting the requirements of section 8 of this act.

~~4.5.~~ 5. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as ~~fa fingerprinting service~~ an owner of a fingerprint

facility or a fingerprint technician revoked or suspended in this State or any other state or territory of the United States.

~~5.~~ 6. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.

~~6.~~ 7. An application for registration as ~~a fingerprinting service~~ an owner of a fingerprint facility or a fingerprint technician that is not completed within 120 days after the date on which the application was submitted must be denied. If an application is denied pursuant to this subsection, the applicant may submit a new application.

8. A person who submits an application for registration as a fingerprint technician pursuant to this section shall be granted a conditional registration until the Secretary of State completes the background check for the applicant. As soon as practicable after completing the background check, the Secretary of State shall issue a certificate of registration to the applicant or deny the application. A person who holds a conditional registration as a fingerprint technician may be employed at a fingerprint facility and perform the functions of a fully registered fingerprint technician under the supervision of the owner of the fingerprint facility.

9. Any person who provides a fingerprinting service without registering as an owner of a fingerprint facility or a fingerprint technician with the Secretary of State is guilty of a misdemeanor.

Sec. 6. 1. Except as otherwise provided in subsection 2, the registration of ~~a fingerprinting service~~ an owner of a fingerprint facility or a fingerprint technician is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:

(a) A renewal fee of \$25; and
 (b) A cash bond or surety bond meeting the requirements of section 8 of this act, unless the bond previously filed by the registrant remains on file and in effect.

2. The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires or 1 year after the date of issuance of the certificate of registration, whichever is earlier.

3. The Secretary of State may:

(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.

(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 24 of this act, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.

Sec. 7. The Secretary of State shall account for the fees received pursuant to sections 5 and 6 of this act separately, and use those fees, and any interest and income earned on those fees, solely to pay for expenses related to administering the fingerprinting services program pursuant to this chapter, including, without limitation, the cost of:

1. Materials and advertising to provide education and information about the program; and

2. Any technology necessary to process and maintain registration as a fingerprinting service.

Sec. 8. 1. A registrant who employs one or more fingerprint technicians shall file with the Secretary of State a cash bond or surety bond ~~in the penal sum of \$50,000~~ which is approved as to form by the Attorney General and conditioned to provide:

(a) Indemnification to a person who uses the services of the fingerprinting service who is determined in an action or proceeding to have suffered damage as a result of:

(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;

(2) ~~A wrongful failure or refusal by the registrant, or an agent or employee of the registrant, to provide services in accordance with a contract entered into pursuant to section 15 of this act;~~

~~(3) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or~~

~~(4)~~ (3) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or

(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.

2. A cash bond or surety bond filed pursuant to subsection 1 must be in the penal sum of:

(a) If the registrant employs 1 fingerprint technician, \$25,000;

(b) If the registrant employs at least 2 but not more than 25 fingerprint technicians, \$50,000;

(c) If the registrant employs at least 26 but not more than 75 fingerprint technicians, \$75,000;

(d) If the registrant employs at least 76 but not more than 125 fingerprint technicians, \$100,000;

(e) If the registrant employs at least 126 but not more than 200 fingerprint technicians, \$150,000; or

(f) If the registrant employs more than 200 fingerprint technicians, \$200,000.

3. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.

~~§ 4.~~ 4. If a surety bond is filed pursuant to subsection 1:

(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.

(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.

(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.

(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.

(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.

~~§ 5.~~ 5. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.

~~§ 6.~~ 6. A fingerprint technician who becomes employed by a different owner of a fingerprint facility shall submit a new application for registration

under the cash bond or surety bond of the new employer of the fingerprint technician to the Secretary of State.

7. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection ~~[3]~~ 4 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.

~~[6]~~ 8. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection ~~[5]~~ 7 if, before the current term of the registration expires, the registrant files with the Secretary of State a new bond meeting the requirements of this section.

~~[7]~~ 9. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.

Sec. 9. 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for registration or the renewal of registration as ~~[a fingerprinting service]~~ an owner of a fingerprint facility or a fingerprint technician pursuant to section 5 or 6 of this act must include the social security number of the applicant in the application submitted to the Secretary of State.

(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as ~~[a fingerprinting service]~~ an owner of a fingerprint facility or a fingerprint technician may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the

district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 10. 1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as ~~[a fingerprinting service,]~~ an owner of a fingerprint facility or a fingerprint technician, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Secretary of State shall reinstate a registration of ~~[a fingerprinting service]~~ an owner of a fingerprint facility or a fingerprint technician that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 11. ~~[A person shall not disseminate or cause to be disseminated any advertisement or other statement that he or she is engaged in the business of a fingerprinting service in this State unless he or she has complied with all the applicable requirements of this chapter.] (Deleted by amendment.)~~

Sec. 12. ~~[1.]~~ Each registrant who owns a fingerprint facility shall display conspicuously in [his or her place of business] the fingerprint facility a copy of his or her certificate of registration and a written notice [meeting the requirements of this section]

~~2. The notice must:~~

~~(a) Be not less than 12 by 20 inches in size, and each character of text in the notice must be not less than 1 inch in height and 1 inch in width.~~

~~(b) Be written in English and in each other language in which the registrant transacts business.~~

~~(c) Contain] that contains~~ the full name of the registrant or, if more than one registrant is providing services at that ~~[place of business,]~~ fingerprint facility, the full name of each such registrant.

~~[(d) Contain a list of the services provided by the registrant and the fee charged for each such service.~~

~~(e) Contain a statement that the registration has filed with the Secretary of State a cash bond or surety bond, stating the amount and any identifying number of the bond.]~~

Sec. 13. 1. A registrant required to obtain a state business license issued by the Secretary of State pursuant to chapter 76 of NRS shall:

(a) Obtain a state business license before offering a fingerprinting service; and

(b) Maintain a state business license during the period of the registrant's registration as a fingerprinting service.

2. Each registrant shall display conspicuously in the registrant's place of business a copy of:

(a) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and

(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.

~~Sec. 14. 1. Before providing any services to a person who uses the services of the fingerprinting service or presenting a person who uses the services of the fingerprinting service with the contract required by section 15 of this act, a registrant must:~~

~~(a) Furnish a person who uses the services of the fingerprinting service with a written form of disclosure meeting the requirements of this section, with a copy for the person who uses the services of the fingerprinting service to retain; and~~

~~(b) Require a person who uses the services of the fingerprinting service to read and sign the disclosure, acknowledging that the person who uses the services of the fingerprinting service has read and understands it.~~

~~2. The disclosure must be written in English and, if different, the language in which the registrant transacts business with the person who uses the services of the fingerprinting service and must include:~~

~~(a) The full name, business address and telephone number and registration number of the registrant;~~

~~(b) The name and business address of the agent of the registrant for service of process, if any, in this State;~~

~~(c) A statement that the registrant has posted or filed with the Secretary of State a cash bond or surety bond, stating the amount of the bond and any identifying number of the bond;~~

~~(d) The expiration date of:~~

~~(1) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and~~

~~(2) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.] (Deleted by amendment.)~~

Sec. 15. 1. ~~Before a registrant provides any services to a person who uses the services of the fingerprinting service, the registrant and the person who uses the services of the fingerprinting service must enter into a written contract meeting the requirements of this section. The registrant shall~~

~~provide the person who uses the services of the fingerprinting service with a copy of the contract.~~

~~2. The contract must:~~

~~(a) Be written in English and, if different, in the language in which the registrant transacts business with the person who uses the services of the fingerprinting service, and be printed or typewritten in not less than 12-point type.~~

~~(b) Explain the services to be performed by the registrant and state the total price to be paid by the person who uses the services of the fingerprinting service for all such services.~~

~~(c) Include a statement that any complaint concerning an alleged violation of this chapter by the registrant may be directed to the Secretary of State.~~

~~(d) State the date of the signature of the person who uses the services of the fingerprinting service on the contract, if the person who uses the services of the fingerprinting service agrees to the terms of the contract.~~

~~3. A contract between a registrant and a person who uses the services of the fingerprinting service that does not comply with any requirement of this section is voidable by the person who uses the services of the fingerprinting service. (Deleted by amendment.)~~

Sec. 16. ~~{If any document prepared by a registrant includes a place on the document for the registrant to provide information, including, without limitation, the name, business address, telephone number and registration number of the registrant, the registrant shall include the requested information on the document.} (Deleted by amendment.)~~

Sec. 17. 1. A registrant shall take reasonable measures to ensure the confidentiality and security of any personally identifiable information submitted by a fingerprint applicant and safeguard from loss or damage any document provided to the registrant by a fingerprint applicant in connection with services rendered by the registrant.

2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a fingerprint applicant any original document provided by ~~such person;} the fingerprint applicant:~~

(a) Upon the request of the fingerprint applicant; or

(b) ~~{If the contract required by section 15 of this act is not signed or is cancelled for any reason; or~~

~~(c)} If the document is no longer needed for the services rendered by the registrant.~~

3. If a copy of any original document provided by a fingerprint applicant is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to such person.

4. ~~The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the [person who uses the services of the fingerprinting service]~~ fingerprint applicant over the fees or costs of the registrant.

5. A fingerprint facility must have visible exterior signs at its physical location. The fingerprint facility shall:

(a) Be secured with an alarm system;

(b) Have cameras located in the lobby, fingerprinting area and any area containing networking equipment;

(c) Include a system of securing equipment used to provide a fingerprinting service and the records of fingerprint applicants; and

(d) Use equipment used to provide a fingerprinting service deemed appropriate for public use by the Federal Bureau of Investigation.

6. As used in this section, “personally identifiable information” means information that can be used to distinguish or trace the identity of a natural person, including, without limitation, the name, social security number, date of birth, place of birth, race, citizenship status and biometric records of such person, alone or when combined with other information related to such person.

Sec. 18. 1. ~~Upon the presentation to a registrant of a written form of authorization signed by a [person who uses the services of the fingerprinting service]~~ fingerprint applicant, the registrant shall provide a complete copy of such person’s file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.

2. ~~A registrant shall retain a copy of any document prepared for a [person who uses the services of the fingerprinting service]~~ fingerprint applicant for not less than ~~3 years~~ 6 months but not more than 1 year after the date of the last service performed for [such person.] the fingerprint applicant. At the end of that period, unless the [person who uses the services of the fingerprinting service] fingerprint applicant requests, in writing, that the document be given to [such person.] the fingerprint applicant, the document [may] must be destroyed by the registrant. Any method of destruction used by a registrant must ensure the complete and confidential destruction of the document.

Sec. 19. ~~[A registrant shall provide a signed receipt to a person who uses the services of the fingerprinting service for each payment made to the registrant. The receipt must be printed or typewritten on the letterhead of the registrant and must include the name, business address and telephone number, registration number and taxpayer identification number of the registrant.] (Deleted by amendment.)~~

Sec. 20. ~~[A registrant shall not, after the date of the last service performed for a person who uses the services of the fingerprinting service, retain any fees or costs for services not performed or costs not incurred.] (Deleted by amendment.)~~

Sec. 21. 1. *In addition to the regulations which the Secretary of State is required to adopt pursuant to this chapter, the Secretary of State may adopt any other regulations necessary to carry out the provisions of this chapter.*

2. *The Secretary of State shall*

~~(a) Establish a toll-free telephone number which may be used by any person to~~ post on the Internet website of the Secretary of State information as to how to make a complaint about a registrant or an alleged violation of this chapter.

~~(b) Post on the Internet website of the Secretary of State information concerning making such a complaint, which must include the telephone number established pursuant to paragraph (a).~~

Sec. 22. 1. *If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.*

2. *If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:*

(a) *Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation* ~~[The order must notify the person that any willful violation of the order may subject the person to prosecution and criminal penalties pursuant to section 26 of this act.]~~ and prescribing remedial measures.

(b) *If a registrant has committed the same violation* ~~[]~~ three or more times within 1 calendar year, begin proceedings ~~[pursuant to section 24 of this act]~~ to revoke or suspend the registration of the registrant.

(c) ~~[Refer]~~ If the violation is criminal in nature, refer the alleged violation to the Attorney General or a district attorney for commencement of a ~~[civil]~~ criminal action against the person ~~[pursuant to section 25 of this act.]~~

~~(d) Refer the alleged violation to the Attorney General or a district attorney for prosecution of the person pursuant to section 26 of this act.~~

~~(e) Take any combination of the actions described in paragraphs (a) to (d), inclusive.~~

~~3. Any person who is aware of a violation of this chapter by a fingerprinting service, or person applying for registration as a fingerprinting service, may file a complaint with the Secretary of State setting forth the details of the violation that are known by the person who is filing the complaint.~~

Sec. 23. *The Secretary of State may conduct periodic, special or any other examinations of any records required to be maintained pursuant to this chapter or any other provisions of NRS pertaining to the duties of a registrant as the Secretary of State deems necessary to determine whether a violation of this chapter or any other provision of NRS pertaining to the duties of a registrant has occurred.*

Sec. 24. 1. *The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.*

2. *The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:*

(a) *The entry of a judgment or conviction; or*

(b) *The occurrence of any other event,*

↳ that would disqualify the registrant from registration pursuant to subsection ~~2~~ 3 of section 5 of this act.

~~Sec. 25. 1. Upon referral by the Secretary of State, the Attorney General or the district attorney of the county in which the defendant resides or maintains a place of business may bring an action in the name of the State of Nevada in a court of competent jurisdiction:~~

~~—(a) For injunctive relief against any person who violates or threatens to violate a provision of this chapter or a regulation or order adopted or issued pursuant thereto;~~

~~—(b) For the recovery of a civil penalty against the defendant of not less than \$100 or more than \$5,000 for each such violation;~~

~~—(c) For an order directing restitution to be made by the defendant to any person who suffers pecuniary loss as a result of such violation; or~~

~~—(d) For any combination of the remedies described in this subsection.~~

~~2. Any civil penalty recovered pursuant to this section must be paid to the Secretary of State and deposited in the State General Fund.~~

~~3. If the court determines that the State of Nevada is the prevailing party in an action brought pursuant to this section, the court shall award the State the costs of suit and reasonable attorney's fees incurred in the action.]~~

~~(Deleted by amendment.)~~

~~Sec. 26. 1. Except as otherwise provided in subsection 2, a person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto:~~

~~—(a) For the first offense within the immediately preceding 5 years, is guilty of a misdemeanor.~~

~~—(b) For a second or subsequent offense within the immediately preceding 5 years, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$10,000, or by both fine and imprisonment.~~

~~2. A person who willfully violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto is guilty of a category D felony and shall be punished as provided in NRS 193.130 if the offense results in irreparable harm to the person who uses the services of the fingerprinting service.~~

~~3. In addition to the penalties prescribed by subsection 1 or 2, the court may order a person described in subsection 1 or 2 to pay restitution to any person who has suffered a pecuniary loss as a result of the violation.~~

~~4. For the purposes of subsections 1, 2 and 3, evidence that a person has been served with an order by the Secretary of State pursuant to section 22 of this act before the date of the alleged violation is evidence that the alleged violation is intentional if it involves a repetition or a continuation of conduct of the kind described in the order.~~ (Deleted by amendment.)

Sec. 27. Notwithstanding the provisions of sections 22 to ~~26,~~ 24, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of \$500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.

Sec. 28. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary and administrative tasks necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.

2. Sections 9 and 10 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ↪ are repealed by the Congress of the United States.

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. 427.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 335.

SUMMARY—Revises provisions governing the tuition charges **registration and other fees** assessed against certain students within the Nevada System of Higher Education. (BDR 34-894)

AN ACT relating to the Nevada System of Higher Education; **requiring the waiver of the payment of registration fees and certain other fees assessed against students within the System who are veterans who have been**

awarded the Purple Heart; prohibiting the assessment of tuition charges against **such** students ~~;~~ ~~within the System who are veterans who have been awarded the Purple Heart;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Regents of the University of Nevada to **grant a waiver of registration and certain other fees to certain persons, such as members of the Nevada National Guard, the children and surviving spouses of such members who are killed in the line of duty and the spouse or children of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. (NRS 396.544, 396.5442, 396.5445)** **Section 1 of this bill requires the Board of Regents to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart to the extent that the fees exceed the amount of any federal educational benefits to which the veteran is entitled.**

Existing law authorizes the Board of Regents to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are not residents of Nevada. The tuition charges are in addition to registration fees and other fees assessed against students who are residents of this State. Existing law also prohibits the Board of Regents from assessing tuition charges against certain students, including certain veterans of the Armed Forces of the United States. (NRS 396.540) ~~[This]~~ **Section 1.5 of this** bill prohibits the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal veterans’ educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student’s account has been credited with the full amount of the federal veterans’ educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for veterans for a semester, the full amount of the registration fees,

laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this subsection, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart than the waiver provided pursuant to this section if required for the receipt of federal money.

~~Section 1.~~ **Sec. 1.5.** NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain

Warfare Training Center located at Pickel Meadow, California, on the date on which the student enrolled at an institution of the System if such students maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(9);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge; ~~and~~

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System ~~††~~; **and**

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 2. This act becomes effective on July 1, 2019.

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. 431.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 190.

SUMMARY—Revises provisions relating to the ~~restoration of the~~ right to vote, **to for a convicted person.** (BDR 14-981)

AN ACT relating to convicted persons; revising provisions governing the ~~restoration of the~~ right to vote for convicted persons, ~~who have been discharged from probation or parole or released from prison;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the restoration of certain civil rights, including the right to vote, for persons who have been convicted of certain felonies and discharged from probation or parole or released from prison. Existing law restores the right to vote immediately upon such persons as of the date of their discharge from probation or parole or release from prison, except for persons who have previously been convicted of certain offenses. If the person was convicted of a category B felony involving the use of force or violence under certain circumstances, existing law provides that the person's right to vote is automatically restored 2 years after his or her discharge from probation or parole or release from prison. If the person was convicted of: (1) a category A felony under certain circumstances; (2) a category B felony that resulted in substantial bodily harm to the victim under certain circumstances; or (3) a felony two or more times under certain circumstances, existing law authorizes that person, after his or her discharge from probation or parole or release from prison, to petition a court to restore his or her civil rights, including the right to vote. (NRS 176A.850, 213.155, 213.157)

Sections ~~1-3~~ 1 and 2 of this bill ~~restore certain civil rights, including the immediate restoration of the right to vote, to~~ **maintain the right to vote of a person who has been ~~discharged from probation or parole or released from~~ convicted of a crime but is not in** prison. **Section 3 of this bill immediately restores the right to vote to a person who has been released from prison.** **Section 7** of this bill provides for the restoration of the right to vote to certain residents of this State who: (1) have not had their right to vote restored; (2) are not ~~on probation or parole or~~ serving a sentence of imprisonment on July 1, 2019; and (3) before July 1, 2019, were discharged from probation or parole or released from prison after serving their sentences.

Existing law requires a county clerk to cancel a person's ~~preregistration~~ **registration** to vote if the person was convicted of a felony unless the person: (1) was convicted of a felony in this State and his or her right to vote has been restored; or (2) was convicted of a felony in another state and his or her right to vote has been restored under the laws of that state. (NRS 293.540) **Section 5** of this bill ~~requires~~ **removes the requirement that** the county clerk ~~to~~ cancel the ~~preregistration~~ **registration** of ~~such~~ a person who ~~was convicted of a felony in another state unless that person has been discharged from probation or parole or released from prison.~~ **has been convicted of a felony**

and is not currently serving a term of imprisonment, thereby maintaining the right to vote of such a person.

Existing law also authorizes an elector who was previously convicted of a crime and whose preregistration to vote has been cancelled by the county clerk to reregister to vote if the elector's: (1) conviction has been overturned; or (2) civil rights have been restored pursuant to the laws of the state in which the person was convicted. (NRS 293.543) **Section 6** of this bill authorizes such an elector who was convicted of a felony ~~[in another state]~~ to reregister to vote if the elector is not ~~[on probation or parole or]~~ incarcerated.

~~[Existing law authorizes the prior conviction of a person who has been discharged from probation to be used for purposes of impeaching the credibility of that person under certain circumstances. (NRS 50.095, 176A.850) Section 1 of this bill prohibits such a conviction from being used for impeachment. Section 4 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. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

- (a) Has fulfilled the conditions of probation for the entire period thereof;
- (b) Is recommended for earlier discharge by the Division; or
- (c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

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

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

- (a) Whose whereabouts are unknown;
- (b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
- (c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1,

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

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

4. ~~[Except as otherwise provided in subsection 5, a]~~ A person who has been discharged from probation:

- (a) Is free from the terms and conditions of probation.
- (b) Is immediately restored to the right to serve as a juror in a civil action.
- (c) ~~[Except as otherwise provided in paragraph (d), is Is immediately restored to the right to vote.~~

~~—(d) Two years after the date of discharge from probation, is restored to the right to vote if the person has previously been convicted in this State:~~

~~—(1) Of a category B felony involving the use of force or violence.~~

~~—(2) Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of discharge from probation.~~

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

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

~~{(g)-(f)}~~ (e) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~{(h)-(g)}~~ (f) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~{(i)-(h)}~~ (g) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

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

~~{(k)-(j)}~~ (i) Except as otherwise provided in paragraph ~~{(j)-(i)}~~ (h), need not disclose the conviction to an employer or prospective employer.

5. ~~{Except as otherwise provided in this subsection, the civil rights set forth in subsection 4 are not restored to a person discharged from probation if the person has previously been convicted in this State:~~

~~—(a) Of a category A felony.~~

~~—(b) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation.~~

~~—(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~—(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation.~~

~~—(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~→ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in subsection 4.~~

~~—6.} The prior conviction of a person who has been discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.~~

~~—7.} Except for a person subject to the limitations set forth in subsection 5, upon~~

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

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

(b) That the person is restored to his or her civil ~~rights to vote and~~ **right** to serve as a juror in a civil action as of the ~~applicable dates set forth in paragraphs (b), (c) and (d) of subsection 4;~~ **date of his or her discharge from probation;**

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

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

~~8.~~ Subject to the limitations set forth in subsection 5, a

~~6-7~~ **7.** A person who has been discharged from probation in this State or elsewhere and whose official documentation of discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been discharged from probation and is eligible to be restored to the civil rights set forth in subsection 4, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

~~9-7-7~~ **8.** A person who has been discharged from probation in this State or elsewhere may present:

(a) Official documentation of discharge from probation, if it contains the provisions set forth in subsection ~~7-5-7~~ **6;** or

(b) A court order restoring the person's civil rights,
 ↪ as proof that the person has been restored to the civil rights set forth in subsection 4.

Sec. 2. NRS 213.155 is hereby amended to read as follows:

213.155 1. ~~Except as otherwise provided in subsection 2, a~~ A person who receives a discharge from parole pursuant to NRS 213.154:

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

(b) ~~Except as otherwise provided in paragraph (c), is~~ ~~is~~ ~~immediately restored to the right to vote.~~

~~(c) Two years after the date of his or her discharge from parole, is restored to the right to vote if the person has previously been convicted in this State:~~

~~(1) Of a category B felony involving the use of force or violence.~~

~~(2) Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of discharge from parole.~~

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

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

2. ~~Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received a discharge from parole if the person has previously been convicted in this State:~~

~~—(a) Of a category A felony~~

~~—(b) Of an offense that would constitute a category A felony if committed as of the date of discharge from parole.~~

~~—(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

~~—(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from parole.~~

~~—(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

~~→ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.~~

~~3. Except for a person subject to the limitations set forth in subsection 2, upon~~ **Upon** his or her discharge from parole, a person so discharged must be given an official document which provides:

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

(b) That the person is restored to his or her civil ~~rights~~ **right** to ~~vote and to~~ serve as a juror in a civil action as of the ~~applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;~~ **date of his or her discharge from parole** ~~;~~ **;**

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

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

~~4. Subject to the limitations set forth in subsection 2, a~~

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

~~5. 4.~~ A person who has been discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her discharge from parole, if it contains the provisions set forth in subsection ~~3;~~ **2**; or

(b) A court order restoring his or her civil rights,
 ↪ as proof that the person has been restored to the civil rights set forth in subsection 1.

~~¶~~ 5. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 3. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~¶~~ ~~Except as otherwise provided in subsection 2, a~~ A person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

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

(b) ~~¶~~ ~~Except as otherwise provided in paragraph (c), is~~ **Is** immediately restored to the right to vote.

(c) ~~¶~~ ~~Two years after the date of his or her release from prison, is restored to the right to vote if the person has previously been convicted in this State:~~

—(1) ~~Of a category B felony involving the use of force or violence.~~

—(2) ~~Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of his or her release from prison.~~

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

~~¶~~ ~~(e)~~ **(d)** Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. ~~¶~~ ~~Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:~~

—(a) ~~Of a category A felony.~~

—(b) ~~Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.~~

—(c) ~~Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.~~

—(d) ~~Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.~~

—(e) ~~Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.~~

↪ ~~A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.~~

—3. ~~Except for a person subject to the limitations set forth in subsection 2, upon~~ **Upon** his or her release from prison, a person so released must be given an official document which provides:

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

(b) That the person is restored to his or her civil rights to vote and to serve as a juror in a civil action as of the ~~applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;~~ **date of his or her release from prison.**

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

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

~~4.—Subject to the limitations set forth in subsection 2, a]~~

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

~~5.]~~ 4. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection ~~3;~~ 2; or

(b) A court order restoring his or her civil rights,

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

Sec. 4. ~~NRS 50.095 is hereby amended to read as follows:~~

~~50.095 1. For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime is admissible but only if the crime was punishable by death or imprisonment for more than 1 year under the law under which the witness was convicted.~~

~~2. Evidence of a conviction is inadmissible under this section if a period of more than 10 years has elapsed since:~~

~~(a) The date of the release of the witness from confinement; or~~

~~(b) The expiration of the period of the witness's parole [, probation] or sentence, whichever is the later date.~~

~~3. Evidence of a conviction is inadmissible under this section if the conviction has been the subject of a pardon.~~

~~4. Evidence of a conviction is inadmissible under this section if the witness was discharged from probation.~~

~~5. Evidence of juvenile adjudications is inadmissible under this section.~~

~~5.]~~ 6. The pendency of an appeal therefrom does not render evidence of a conviction inadmissible. Evidence of the pendency of an appeal is admissible.

~~6.]~~ 7. A certified copy of a conviction is prima facie evidence of the conviction. **(Deleted by amendment.)**

Sec. 5. NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

(c) Upon the determination that the person has been convicted of a felony ~~unless:~~

~~(1) If the person was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 176A.850, 213.090, 213.155 or 213.157.~~

~~(2) If the person was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted. discharged from probation or parole or released from prison. **and is currently serving a term of imprisonment.**~~

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

(f) At the request of the person.

(g) If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

(h) As required by NRS 293.541.

(i) Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 6. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to paragraph (b) of subsection 2 of NRS 293.540, the county clerk shall reregister

the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to paragraph (c) of subsection 2 of NRS 293.540, the elector may reregister ~~after presenting satisfactory evidence which demonstrates that the elector's:~~ *if:*

~~(a) Conviction~~ ***The conviction of the elector has been overturned; or***

~~(b) Civil rights have been restored:~~

~~(1) If the~~ ***The elector was convicted in this State, the civil rights of the elector have been restored*** pursuant to the provisions of NRS ~~176A.850, 213.090, 213.155 or 213.157.~~

~~(2) If the~~ *or*

~~(c) The elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted. the elector has been discharged from probation or parole or released;~~ ***upon release from prison.***

3. If the registration of an elector is cancelled pursuant to the provisions of paragraph (e) of subsection 2 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of paragraph (f) of subsection 2 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

5. A county clerk shall not require an elector to present evidence, including without limitation, a court order or any other document, to prove that the elector satisfies the requirements of subsection 2.

Sec. 7. Any person residing in this State who:

1. Before July 1, 2019, was discharged from probation pursuant to NRS 176A.850, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before July 1, 2019;

2. Is not ~~on probation or parole or~~ serving a sentence of imprisonment on July 1, 2019; and

3. Has not already had his or her right to vote restored,

↪ is immediately restored the right to vote.

Sec. 8. 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. 434.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 400.

AN ACT relating to offenses; **removing the time limitation on the imposition of certain administrative assessments for the provision of court facilities**; revising provisions relating to imprisonment or community service ordered for a convicted person; ~~creating a new class of misdemeanor called a petty misdemeanor and providing the punishment therefor; reducing the punishment for~~ **establishing various provisions relating to the commission of certain traffic and related offenses ; from a misdemeanor to a petty misdemeanor;** revising provisions relating to the payment of administrative assessments, fines and court fees ~~;~~ **and the collection of delinquent assessments, fines and fees**; requiring any fine paid or forfeiture of bail by a person who commits certain offenses to be credited to the State Permanent School Fund; revising provisions relating to speeding violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county or city may authorize, by ordinance, the justices or judges of the justice or municipal courts within its jurisdiction to impose for a period of not longer than 50 years an administrative assessment for the provision of court facilities. (NRS 176.0611) Section 1 of this bill removes the 50-year limitation on the imposition of such an administrative assessment.

Existing law authorizes a state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution owed by a defendant to contract with a licensed collection agency to collect the delinquent amount. (NRS 176.064) Section 1.3 of this bill provides that a state or local entity may take such action if the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed.

Existing law provides that if a person other than an indigent person is delinquent in the payment of an administrative assessment, fine or forfeiture, the court may order the person to be imprisoned for a period of 1 day for each \$75 of the amount owed. (NRS 176.065, 176.075) Sections ~~1.1~~ 1.7 and 2 of this bill increase the amount of credit received for each day of imprisonment to \$150 and establish the circumstances in which a person is considered to be indigent. Section 1.7 also authorizes the imprisonment of an indigent person if he or she was provided with the opportunity to perform community service to satisfy the entire amount owed and failed to perform such community service.

Existing law authorizes a court to order a convicted person to perform supervised community service in certain circumstances. (NRS 176.087) **Section 3 of this bill provides that for each hour of community service performed by a person, the court is required to provide a credit of ~~not less than~~ \$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater,** toward the payment of any fine that was

imposed against the person for the commission of the offense for which community service was ordered.

~~Section 4 of this bill creates a new misdemeanor class called a petty misdemeanor and provides that: (1) the punishment therefor is a fine of not more than \$1,000; and (2) in lieu of all or part of such a fine, a person may be sentenced to perform a fixed period of community service. Section 3 provides that the period of community service fixed by the court for a petty misdemeanor must not exceed 100 hours. Sections 11, 27, 29, 31 and 33-41 of this bill reduce the punishment for various specified traffic offenses from a misdemeanor to a petty misdemeanor. Sections 10 and 32 of this bill make conforming changes.~~

Section 5.1 of this bill establishes the intent of the Legislature to provide that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a traffic violation should generally be disfavored unless failing to incarcerate such a person would substantially jeopardize public safety.

Section 5.3 of this bill establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance.

Section 5.5 of this bill provides that certain convictions for a traffic violation are not criminal convictions for the purpose of applying for employment, a professional license or any educational opportunities.

Section 5.7 of this bill requires that a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed for certain traffic violations before a warrant can be issued for such a failure to appear or failure to pay. Section 5.8 of this bill prohibits a warrant from being issued for such a failure to pay unless the person has been provided with the opportunity to perform community service to satisfy the entire amount owed and has failed to perform such community service.

Sections 1.3 and 5.9 of this bill require collection fees imposed for certain delinquent amounts owed by a defendant and certain fees assessed by a court to be assessed on a per case basis and not on a per charge basis.

Section 6 of this bill provides that if a court imposes upon a person an administrative assessment, fine or court fee for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, and the court allows any such administrative assessment, fine or court fee to be paid in installments, the payments must be applied first to the unpaid balance of an administrative assessment, then to the unpaid balance of a fine and finally to the unpaid balance of a court fee. Section 7 of this bill provides that if a traffic citation issued to a person contains more than one offense charged, or if a person has been issued more than one traffic citation that is outstanding, any payment made by the person must be applied to one offense or one citation, as

applicable, in ~~the~~ **chronological order set forth beginning with the citation that was issued first and in accordance with section 6**, until all administrative assessments, fines and court fees due for the offense or citation are paid in full. **Section 7** provides that payments must continue to be applied in such a manner until all administrative assessments, fines and court fees due for all offenses charged or all outstanding traffic citations are paid in full.

Section 8 of this bill establishes provisions relating to fees which courts authorize a defendant to pay in lieu of requiring the defendant to complete a course of traffic safety for the purpose of reducing the demerit points accumulated by the defendant and sets forth the purposes for which such money must be used. ~~by a court.~~

Existing law prohibits a local authority from enacting certain ordinances relating to traffic offenses. (NRS 484A.400) **Section 9** of this bill provides that if a person commits any offense for which a local authority is prohibited from enacting an ordinance, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

Existing law prohibits a person from driving or operating a vehicle at a rate of speed that exceeds the posted speed limit or is otherwise improper under the circumstances. (NRS 484B.600) **Section 28** of this bill **additionally prohibits a person from driving or operating a vehicle at a rate of speed that results in the injury of another person or of any property. Section 28** generally provides that if a person is issued a traffic citation for speeding, **the court has the discretion to reduce** the violation ~~must be reduced~~ from a moving traffic violation to a violation that is not a moving traffic violation. **Section 28 establishes a presumption in favor of reducing the violation** if the person pays the entire amount of the fine due before the date on which the person is **first** required to ~~appear in court.~~ **make an appearance relating to the citation, but also provides that such a presumption can be overcome if the person's driving record demonstrates a pattern of moving traffic violations. Section 28** also requires that any fine imposed **for speeding, other than speeding that results in the injury of another person or of any property,** must not exceed ~~\$10,~~ **\$20** for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable.

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

Section 1. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose, ~~for not longer than 50 years,~~ in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0613 and 176.0623, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

- (a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;
- (b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;
- (c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;
- (d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and
- (e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to

the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

↪ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 1.3. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

(a) Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.

(b) Request that the court take appropriate action pursuant to subsection 3.

(c) ~~Contract~~ **If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract** with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of

the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take any or all of the following actions, in the following order of priority if practicable:

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to paragraph (a) and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.

(c) Order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(d) For a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special

fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

5. Any collection fee imposed pursuant to subsection 1 must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment.

~~Section 1.~~ **Sec. 1.7.** NRS 176.065 is hereby amended to read as follows:

176.065 1. Except as otherwise provided in subsection 2, when a person is sentenced to both fine and imprisonment, or to pay a forfeiture in addition to imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the person be confined in the state prison, the city or county jail or a detention facility, whichever is designated in the person's sentence of imprisonment, for an additional period of 1 day for each ~~[\$75]~~ **\$150** of the amount until the administrative assessment and the fine or forfeiture are satisfied or the maximum term of imprisonment prescribed by law for the offense committed has elapsed, whichever is earlier, but the person's eligibility for parole is governed only by the person's sentence of imprisonment.

2. The provisions of this section do not apply to indigent persons ~~+~~ **unless an indigent person has been provided with the opportunity to perform**

community service to satisfy the entire amount owed and has failed to perform such community service. For the purposes of this subsection, a person is indigent if the person:

- (a) *Receives public assistance, as that term is defined in NRS 422A.065;*
- (b) *Resides in public housing, as that term is defined in NRS 315.021; or*
- (c) *Has a household income that is less than 200 percent of the federally designated level signifying poverty.* ~~for~~
- ~~(d) *Is housed in a public or private mental health facility.*~~

Sec. 2. NRS 176.075 is hereby amended to read as follows:

176.075 1. Except as otherwise provided in subsection 2, when a person is sentenced to pay a fine or forfeiture without an accompanying sentence of imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the person be confined in the city or county jail or detention facility for a period of not more than 1 day for each ~~[\$75]~~ \$150 of the amount until the administrative assessment and the fine or forfeiture are satisfied.

2. The provisions of this section do not apply to indigent persons. *For the purposes of this subsection, a person is indigent if the person:*

- (a) *Receives public assistance, as that term is defined in NRS 422A.065;*
- (b) *Resides in public housing, as that term is defined in NRS 315.021;*
- (c) *Has a household income that is less than 200 percent of the federally designated level signifying poverty; or*
- (d) *Is housed in a public or private mental health facility.*

Sec. 3. NRS 176.087 is hereby amended to read as follows:

176.087 1. Except where the imposition of a specific criminal penalty is mandatory, a court may order a convicted person to perform supervised community service:

- (a) In lieu of all or a part of ~~any fine that may be imposed for the commission of a petty misdemeanor or~~ any fine or imprisonment that may be imposed for the commission of a misdemeanor; or
- (b) As a condition of probation granted for another offense.

2. The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

3. The court may require the convicted person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the community service, unless, in the case of industrial insurance, it is provided by the authority for which the person performs the community service.

4. The following conditions apply to any such community service imposed by the court:

- (a) The court must fix the period of community service that is imposed as punishment or a condition of probation and distribute the period over weekends or over other appropriate times that will allow the convicted person

to continue employment and to care for the person's family. The period of community service fixed by the court must not exceed, for a:

- (1) ~~Petty misdemeanor, 100 hours;~~
- ~~(2) Misdemeanor, 200 hours;~~
- (2) ~~(3)~~ Gross misdemeanor, 600 hours; or
- (3) ~~(4)~~ Felony, 1,000 hours.

(b) A supervising authority listed in subsection 2 must agree to accept the convicted person for community service before the court may require the convicted person to perform community service for that supervising authority. The supervising authority must be located in or be the town or city of the convicted person's residence or, if that placement is not possible, one located within the jurisdiction of the court or, if that placement is not possible, the authority may be located outside the jurisdiction of the court.

(c) Community service that a court requires pursuant to this section must be supervised by an official of the supervising authority or by a person designated by the authority.

(d) The court may require the supervising authority to report periodically to the court or to a probation officer the convicted person's performance in carrying out the punishment or condition of probation.

5. *For each hour of community service that is performed by a person pursuant to this section, the court must provide a credit of ~~not less than~~ \$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, toward the payment of any fine that was imposed against the person for the commission of the offense for which the person was ordered to perform community service.*

Sec. 4. ~~Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Every person convicted of a petty misdemeanor shall be punished by a fine of not more than \$1,000.~~

~~2. In lieu of all or a part of the fine which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 476.087. (Deleted by amendment.)~~

Sec. 5. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~6~~ 5.1 to 9, inclusive, of this act.

Sec. 5.1. The Legislature hereby finds and declares that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a minor traffic violation should generally be disfavored unless a court determines that failing to incarcerate such a person would substantially jeopardize public safety.

Sec. 5.3. 1. Except as otherwise provided in subsection 2, after a person is arrested for the commission of a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS, there is a presumption that the person should be released on his or her own recognizance.

2. The presumption established in subsection 1 does not apply if a person is arrested for:

- (a) Reckless driving in violation of NRS 484B.653;
- (b) Vehicular manslaughter in violation of NRS 484B.657; or
- (c) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.5. 1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 2, any conviction for a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS is not a criminal conviction for the purpose of applying for employment, a professional license or any educational opportunity.

2. The provisions of subsection 1 do not apply if a person is convicted of:

- (a) Reckless driving in violation of NRS 484B.653;
- (b) Vehicular manslaughter in violation of NRS 484B.657; or
- (c) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.7. 1. Except as otherwise provided in subsection 2, and subject to the limitation imposed by section 5.8 of this act, a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS before a warrant can be issued for such a failure to appear or failure to pay.

2. The provisions of subsection 1 do not apply if:

- (a) The court determines that providing such a grace period would substantially jeopardize public safety; or
- (b) The person was issued a traffic citation for:
 - (1) Reckless driving in violation of NRS 484B.653;
 - (2) Vehicular manslaughter in violation of NRS 484B.657; or
 - (3) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.8. If a person has failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, a warrant must not be issued unless the person has been provided with the opportunity to perform community service to satisfy the entire amount due and has failed to perform such community service.

Sec. 5.9. 1. Any fee assessed by a court pursuant to chapters 484A to 484E, inclusive, of NRS that is not expressly authorized by statute or is not

solely for the purpose of recovering any costs incurred relating to the participation of a person in a specialty court program must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment.

2. As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 6. In accordance with section 7 of this act and any provision of law that further specifies the order in which more than one administrative assessment, fine or court fee that is imposed upon a person must be paid, including, without limitation, NRS 176.0611 and 176.0613, if a court imposes upon a person an administrative assessment, fine or court fee for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, and the court permits any such administrative assessment, fine or court fee to be paid in installments, the payments must be applied in the following order:

1. To pay the unpaid balance of an administrative assessment;
2. To pay the unpaid balance of a fine; and
3. To pay the unpaid balance of a court fee.

Sec. 7. 1. If a traffic citation that is issued to a person contains more than one offense charged, or if a person has been issued more than one traffic citation that is outstanding, any payment made by the person must be applied, in accordance with the provisions of section 6 of this act, to one offense or one citation, as applicable, in chronological order beginning with the citation that was issued first until all administrative assessments, fines and court fees due for that offense or citation are paid in full.

2. Once all administrative assessments, fines and court fees due for an offense or citation are paid in full, any remaining portion of a payment made by a person must be applied to the next offense or citation, as applicable, until all administrative assessments, fines and court fees due for that offense or citation are paid in full.

3. Payments made by a person must continue to be applied in the manner set forth in this section until all administrative assessments, fines and court fees due for all offenses charged or all outstanding traffic citations are paid in full.

Sec. 8. 1. Except as otherwise provided in this section, if a court authorizes a defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or who is found guilty or guilty but mentally ill of, a violation of chapters 484A to 484E, inclusive, of NRS to pay a fee for the purpose of reducing demerit points, in lieu of requiring the defendant to complete a course of traffic safety for the purpose of reducing demerit points, the court

must include the fee in the sentence, in addition to any other penalty or administrative assessment provided by law, and render a judgment against the defendant for the fee.

2. The money collected for the fee imposed pursuant to this section must not be deducted from any fine imposed by the court but must be collected from the defendant in addition to the fine. The money collected for such a fee must be stated separately on the court's docket. If the court cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the fee remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay them. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of any amount of the fine or fee that the defendant has paid.

3. A court shall, if requested by a defendant, allow a fee imposed pursuant to this section to be paid in installments under terms established by the court.

4. The money collected for a fee pursuant to this section in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit :

(a) Twenty-five percent of the money received for each such fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

(b) Seventy-five percent of the money received for each such fee in a special revenue fund. The city may use the money in the special revenue fund only to:

(1) Fund local specialty court programs; or

(2) Pay for upgrades to court information technology.

5. The money collected for a fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit :

(a) Twenty-five percent of the money received for each such fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

(b) Seventy-five percent of the money received for each such fee in a special revenue fund. The county may use the money in the special revenue fund only to:

(1) Fund local specialty court programs; or

(2) Pay for upgrades to court information technology.

6. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

- (1) Acquiring necessary capital goods;*
- (2) Providing for personnel to staff and oversee the specialty court program;*
- (3) Providing training and education to personnel;*
- (4) Studying the management and operation of the program;*
- (5) Conducting audits of the program;*
- (6) Providing for district attorney and public defender representation;*
- (7) Acquiring or using appropriate technology;*
- (8) Providing capital for building facilities necessary to house persons who participate in the program;*
- (9) Providing funding for employment programs for persons who participate in the program; and*
- (10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.*

7. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created by NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 9. If a person commits any offense for which a local authority is prohibited from enacting an ordinance pursuant to subsection 3 of NRS 484A.400, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

Sec. 10. ~~NRS 484A.630 is hereby amended to read as follows:~~

~~484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS punishable as a petty misdemeanor or misdemeanor and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer may prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace~~

officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~2. The time specified in the notice to appear must be at least 5 days after the alleged violation unless the person charged with the violation demands an earlier hearing.~~

~~3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.~~

~~4. The person charged with the violation may give his or her written promise to appear in court by signing at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.~~

~~5. If the person charged with the violation refuses to sign a copy of the traffic citation but accepts a copy of the citation delivered by the peace officer:~~

~~(a) The acceptance shall be deemed personal service of the notice to appear in court;~~

~~(b) A copy of the citation signed by the peace officer suffices as proof of service; and~~

~~(c) The peace officer shall not take the person into physical custody for the violation.~~ **(Deleted by amendment.)**

Sec. 10.5. NRS 484A.670 is hereby amended to read as follows:

484A.670 1. Regardless of the disposition of the charge for which a traffic citation was originally issued, it is unlawful for a person to:

(a) Violate a written promise to appear in court given to a peace officer upon the issuance of a traffic citation prepared by the peace officer; or

(b) Fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation prepared by a peace officer.

2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court or a notice to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.

3. ~~1A~~ **Except as otherwise provided in section 5.7 of this act, a** warrant may issue upon a violation of a written promise to appear in court or a failure to appear at the time and place set forth in a notice to appear in court.

Sec. 11. NRS 484B.165 is hereby amended to read as follows:

~~484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:~~

~~(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to~~

~~access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.~~

~~—(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.~~

~~—2. The provisions of this section do not apply to:~~

~~—(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.~~

~~—(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.~~

~~—(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.~~

~~—(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.~~

~~—(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.~~

~~—(f) An employee or contractor of a public utility who uses a handheld wireless communications device:~~

~~—(1) That has been provided by the public utility; and~~

~~—(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.~~

~~—3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.~~

~~—4. A person who violates any provision of subsection 1 is guilty of a *petty* misdemeanor and:~~

~~—(a) For the first offense within the immediately preceding 7 years, shall pay a fine of \$50.~~

~~—(b) For the second offense within the immediately preceding 7 years, shall pay a fine of \$100.~~

~~—(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of \$250.~~

~~—5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.~~

~~6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.~~

~~7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously and the autonomous operation of the motor vehicle is authorized by law.~~

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

~~(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:~~

~~(1) The person using the device has a license to operate the device, if required; and~~

~~(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.~~

~~(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada. (Deleted by amendment.)~~

Sec. 12. ~~[NRS 484B.297 is hereby amended to read as follows:~~

~~484B.297 1. Except as otherwise provided in subsection 6, where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent highway.~~

~~2. Except as otherwise provided in subsection 6, pedestrians walking along highways where sidewalks are not provided shall walk on the left side of those highways facing the approaching traffic.~~

~~3. A person shall not stand in a highway to solicit a ride or any business from the driver or any occupant of a vehicle. A person shall not, without a permit issued pursuant to NRS 244.3555 or 268.423, solicit any contribution from the driver or any occupant of a vehicle.~~

~~4. It is unlawful for any pedestrian who is under the influence of intoxicating liquors or any narcotic or stupefying drug to be within the traveled portion of any highway.~~

~~5. The provisions of this section apply to riders of animals, except that the provisions of subsections 1, 2 and 3 do not apply to a peace officer who rides an animal while performing his or her duties as a peace officer.~~

~~6. A pedestrian walking or otherwise traveling on a sidewalk who encounters an obstruction to his or her mobility on the sidewalk, including, without limitation, a short section of the sidewalk that is missing or impassable, may proceed with due care on the immediately adjacent highway to move around such an obstruction. Such a pedestrian:~~

~~(a) Must walk or otherwise travel as far to the side of the highway near the sidewalk as possible;~~

~~—(b) May walk or otherwise travel on the highway in the direction he or she was walking or traveling on the sidewalk, regardless of the direction of traffic;~~

~~—(c) May walk or otherwise travel in a lane provided for bicycles or electric bicycles if the area between the lane and the sidewalk is impassable; and~~

~~—(d) Must return to the sidewalk as soon as practicable.~~

~~—7. A person who violates the provisions of this section is guilty of a *petty misdemeanor*.~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 484B.300 is hereby amended to read as follows:~~

~~484B.300 1. Except as otherwise provided in NRS 484B.307, it is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.~~

~~2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.~~

~~3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.~~

~~4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.~~

~~5. A person who violates any provision of subsection 1 [may]:~~

~~(a) *Is guilty of a petty misdemeanor.*~~

~~(b) *May* be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.~~ **(Deleted by amendment.)**

Sec. 14. ~~[NRS 484B.303 is hereby amended to read as follows:~~

~~484B.303 1. Whenever official traffic-control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.~~

~~2. A person who violates any provision of this section [may]:~~

~~(a) *Is guilty of a petty misdemeanor.*~~

~~(b) *May* be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 484B.320 is hereby amended to read as follows:~~

~~484B.320 1. Except as otherwise provided in this section:~~

~~(a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without~~

~~limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal.~~

~~—(b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal.~~

~~—2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:~~

~~—(a) To a provider of mass transit, a signal prioritization device; or~~

~~—(b) To a response agency, a signal preemption device or a signal prioritization device, or both.~~

~~—3. A police officer:~~

~~—(a) Shall, without a warrant, seize any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal; or~~

~~—(b) May, without a warrant, seize and take possession of a vehicle equipped with any device or mechanism that is capable of interfering with or altering the signal of a traffic control signal, including, without limitation, a mobile transmitter, if the device or mechanism cannot be removed from the motor vehicle by the police officer, and may cause the vehicle to be towed and impounded until:~~

~~—(1) The device or mechanism is removed from the vehicle; and~~

~~—(2) The owner claims the vehicle by paying the cost of the towing and impoundment.~~

~~—4. Neither the police officer nor the governmental entity which employs the officer is civilly liable for any damage to a vehicle seized pursuant to the provisions of paragraph (b) of subsection 3 that occurs after the vehicle is seized but before the towing process begins.~~

~~—5. Except as otherwise provided in subsection 9, the presence of any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal in or on a vehicle on the highways of this State constitutes prima facie evidence of a violation of this section. The State need not prove that the device or mechanism in question was in an operative condition or being operated.~~

~~—6. A person who violates the provisions of subsection 1 or 2 is guilty of a *petty* misdemeanor.~~

~~—7. A person who violates any provision of subsection 1 or 2 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.~~

~~—8. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.~~

~~—9. The provisions of this section do not:~~

~~— (a) Except as otherwise provided in subsection 8, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.~~

~~— (b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.~~

~~— 10. As used in this section:~~

~~— (a) “Mobile transmitter” means a device or mechanism that is:~~

~~— (1) Portable, installed within a vehicle or capable of being installed within a vehicle; and~~

~~— (2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic control signal.~~

~~— The term includes, without limitation, a signal preemption device and a signal prioritization device.~~

~~— (b) “Provider of mass transit” means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:~~

~~— (1) A public transit system, as that term is defined in NRS 377A.016; or~~

~~— (2) A system of public transportation referred to in NRS 277A.270.~~

~~— (c) “Response agency” means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:~~

~~— (1) Provides ambulance service; or~~

~~— (2) Provides the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.~~

~~— (d) “Signal preemption device” means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic control signal, causes:~~

~~— (1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;~~

~~— (2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;~~

~~— (3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and~~

~~— (4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.~~

~~— (e) “Signal prioritization device” means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic control signal, causes:~~

~~— (1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;~~

~~(2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or~~

~~(3) The functions described in both subparagraphs (1) and (2).~~

~~(f) "Traffic control signal" means a traffic control signal, as defined in NRS 484A.290, which is capable of receiving and responding to an emission or transmission from a mobile transmitter. **(Deleted by amendment.)**~~

Sec. 16. ~~[NRS 484B.323 is hereby amended to read as follows:~~

~~484B.323 1. A person shall not operate a vehicle in a lane designated for the use of high occupancy vehicles except in conformity with the established conditions which are placed and maintained on signs and other official traffic control devices pursuant to subsection 2 of NRS 484A.460 or established by regulation.~~

~~2. A person who violates subsection 1 is guilty of a *petty* misdemeanor and shall be fined \$250 for each offense.~~

~~3. As used in this section, "high occupancy vehicle" means:~~

~~(a) A vehicle that is transporting more than one person;~~

~~(b) A motorcycle, regardless of the number of passengers;~~

~~(c) A bus, regardless of the number of passengers; and~~

~~(d) Any other vehicle designated by regulation. **(Deleted by amendment.)**~~

Sec. 17. ~~[NRS 484B.350 is hereby amended to read as follows:~~

~~484B.350 1. The driver of a vehicle:~~

~~(a) Shall stop in obedience to the direction or traffic control signal of a school crossing guard; and~~

~~(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.~~

~~2. A person who violates subsection 1 is guilty of a *petty* misdemeanor.~~

~~3. If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.~~

~~4. As used in this section, "school crossing guard" means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway. **(Deleted by amendment.)**~~

Sec. 18. ~~[NRS 484B.353 is hereby amended to read as follows:~~

~~484B.353 1. Except as otherwise provided in subsection 2, the driver of any vehicle, when meeting or overtaking, from either direction, any school bus, equipped with signs and signals required by law, which has stopped to receive or discharge any pupil and is displaying a flashing red light signal visible from the front and rear, shall bring the vehicle to an immediate stop and shall not attempt to overtake or proceed past the school bus until the flashing red signal ceases operation.~~

~~2. The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is positioned in the other roadway. The~~

driver of a vehicle need not stop upon meeting or passing a school bus where traffic is controlled by a traffic officer.

~~3. Any person who violates any of the provisions of this section is guilty:~~

~~(a) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (b) or (c), of a petty misdemeanor and shall be punished by a fine of not less than \$250 nor more than \$500.~~

~~(b) For a second offense within 1 year after the first offense, of a misdemeanor and:~~

~~(a) shall be punished by a fine of not less than \$250 nor more than \$500 and the driver's license of the person must be suspended for 6 months.~~

~~(c) For a third or any subsequent offense within 2 years after the most recent offense, of a misdemeanor and shall be punished by a fine of not more than \$1,000 and the driver's license of the person must be suspended for not more than 1 year.~~

~~(b) For a second offense within 1 year after the first offense, shall be punished by a fine of not less than \$250 nor more than \$500 and the driver's license of the person must be suspended for 6 months.~~

~~(c) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (a) or (b), shall be punished by a fine of not less than \$250 nor more than \$500.} (Deleted by amendment.)~~

Sec. 19. ~~NRS 484B.450 is hereby amended to read as follows:~~

~~484B.450 1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, in any of the following places:~~

~~(a) On a sidewalk;~~

~~(b) In front of a public or private driveway;~~

~~(c) Within an intersection;~~

~~(d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;~~

~~(e) On a crosswalk;~~

~~(f) Within 20 feet of a crosswalk;~~

~~(g) Within 30 feet upon the approach to any official traffic control signal located at the side of a highway;~~

~~(h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;~~

~~(i) Within 50 feet of the nearest rail of a railroad;~~

~~(j) Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;~~

~~(k) Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;~~

~~(l) On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;~~

~~—(m) Upon any bridge or other elevated structure or within a highway tunnel;~~

~~—(n) Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and~~

~~—(o) At any place where official traffic control devices prohibit stopping, standing or parking.~~

~~—2. The provisions of paragraph (n) of subsection 1 do not apply to a person operating a vehicle of the United States Postal Service if the vehicle is being operated for the official business of the United States Postal Service.~~

~~—3. A person shall not move a vehicle not owned by the person into any prohibited area or away from a curb to a distance which is unlawful.~~

~~—4. A local authority may place official traffic control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking is dangerous to those using the highway or where the vehicles which are stopping, standing or parking would unduly interfere with the free movement of traffic. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.~~

~~—5. A person who violates any provision of this section is guilty of a petty misdemeanor.} (Deleted by amendment.)~~

Sec. 20. ~~{NRS 484B.457 is hereby amended to read as follows:~~

~~—484B.457—1. Except as otherwise provided in this section, every vehicle stopped or parked upon a highway where there are adjacent curbs must be stopped or parked with the right hand wheels of the vehicle parallel to and within 18 inches of the right hand curb.~~

~~—2. Local authorities may by ordinance permit parking of vehicles with the left hand wheels adjacent to and within 18 inches of the left hand curb of a one-way highway.~~

~~—3. Local authorities may by ordinance permit angle parking on any highway, except that angle parking must not be permitted on any highway constructed and maintained by the Department of Transportation under the authority granted by chapter 408 of NRS unless the Department has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic.~~

~~—4. The Department of Transportation with respect to highways under its jurisdiction may place official traffic control devices prohibiting or restricting the stopping, standing or parking of vehicles on any such highway where, in its opinion, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.~~

~~—5. A person who violates any provision of this section is guilty of a petty misdemeanor.} (Deleted by amendment.)~~

Sec. 21. ~~{NRS 484B.467 is hereby amended to read as follows:~~

~~484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:~~

~~—(a) Bearing the international symbol of access with or without the words “Parking,” “Handicapped Parking,” “Handicapped Parking Only” or “Reserved for the Handicapped,” or any other word or combination of words indicating that the space is designated for persons who are handicapped;~~

~~—(b) Stating “Minimum fine of \$250 for use by others” or equivalent words; and~~

~~—(c) The bottom of which must be not less than 4 feet above the ground.~~

~~2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:~~

~~—(a) Is designed for the exclusive use of a vehicle with a side loading wheelchair lift; and~~

~~—(b) Is located in a parking lot with 60 or more parking spaces, must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side loading wheelchair lift.~~

~~3. If a parking space is designed for the use of a vehicle with a side loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:~~

~~—(a) Stating “No Parking” or similar words which indicate that parking in such a space is prohibited;~~

~~—(b) Stating “Minimum fine of \$250 for violation” or similar words indicating that the minimum fine for parking in such a space is \$250; and~~

~~—(c) The bottom of which must not be less than 4 feet above the ground.~~

~~4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.~~

~~5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:~~

~~—(a) A special license plate or plates issued pursuant to NRS 482.384;~~

~~—(b) A special or temporary parking placard issued pursuant to NRS 482.384;~~

~~—(c) A special or temporary parking sticker issued pursuant to NRS 482.384;~~

~~—(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or~~

~~—(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.3765, 482.377, 482.3775, 482.378 or 482.3783.~~

~~— 6. — Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:~~

~~— (a) — The person is eligible to do so;~~

~~— (b) — The vehicle displays the special license plate, plates or placard set forth in subsection 5; and~~

~~— (c) — The vehicle is equipped with a side loading wheelchair lift.~~

~~— A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.~~

~~— 7. — A person shall not park in a space which:~~

~~— (a) — Is immediately adjacent to a space designed for use by a vehicle with a side loading wheelchair lift; and~~

~~— (b) — Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,~~

~~— whether on public or privately owned property.~~

~~— 8. — A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.~~

~~— 9. — A person with a permanent disability, disability of moderate duration or temporary disability to whom a:~~

~~— (a) — Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle, motorcycle or moped displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle or moped, or is being picked up or dropped off by the driver of the vehicle, motorcycle or moped, at the time that the vehicle, motorcycle or moped is parked in the space designated for persons who are handicapped.~~

~~— (b) — Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.~~

~~— 10. — A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:~~

~~— (a) — Upon the first offense, of a petty misdemeanor and shall be punished by a fine of \$250.~~

~~(b) Upon the second offense, of a petty misdemeanor and shall be punished by a fine of \$250 and not less than 8 hours, but not more than 50 hours, of community service.~~

~~(c) Upon the third or subsequent offense, of a misdemeanor and shall be punished by a fine of not less than \$500, but not more than \$1,000 and not less than 25 hours, but not more than 100 hours, of community service.] (Deleted by amendment.)~~

Sec. 22. [NRS 484B.520 is hereby amended to read as follows:

~~484B.520 1. A local authority may erect, pursuant to ordinance, official traffic control devices regulating the stopping, standing or parking of vehicles on any highway under its jurisdiction.~~

~~2. When devices are erected giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle for longer than the time designated by any such sign.~~

~~3. A person who violates any provision of subsection 2 is guilty of a petty misdemeanor.] (Deleted by amendment.)~~

Sec. 23. [NRS 484B.523 is hereby amended to read as follows:

~~484B.523 1. When parking meters are erected by any local authority pursuant to an adopted ordinance giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters upon a deposit of a coin of United States currency of the designated denomination.~~

~~2. Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.~~

~~3. It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, or willfully to manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation occurs.~~

~~4. A person who violates the provisions of:~~

~~(a) Subsection 1 or 2 is guilty of a petty misdemeanor.~~

~~(b) Subsection 3 is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 24. [NRS 484B.550 is hereby amended to read as follows:

~~484B.550 1. Except as otherwise provided in this section, the driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring the vehicle to a stop is guilty of a petty misdemeanor.~~

~~2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.~~

~~3. Unless the provisions of NRS 484B.653 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:~~

~~(a) Is the proximate cause of damage to the property of any other person; or~~

~~(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any other person or the property of any other person;~~

~~the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.~~

~~4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any other person, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$50,000, or by both fine and imprisonment.~~

~~5. If the driver of the motor vehicle is convicted of a violation of NRS 484C.110 or 484C.120 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.]~~

(Deleted by amendment.)

Sec. 25. ~~[NRS 484B.560 is hereby amended to read as follows:~~

~~484B.560 1. Except as otherwise provided in subsection 4, the driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying hazardous materials as that term is defined in 49 C.F.R. § 383.5, before crossing at grade any track or tracks of a railroad, shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely.~~

~~2. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.~~

~~3. When stopping is required at a railroad crossing the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic.~~

~~4. No such stop need be made at a railroad crossing:~~

~~(a) Where a police officer or official traffic control device controls the movement of traffic.~~

~~(b) Which is marked with a device indicating that the crossing is abandoned.~~

~~(c) Which is a streetcar crossing or is used exclusively for industrial switching purposes within an area designated as a business district.~~

~~(d) Which is marked with a sign identifying it as an exempt crossing. Signs identifying a crossing as exempt may be erected only:~~

~~(1) If the tracks are an industrial or spur line;~~

~~(2) By or with the consent of the appropriate state or local authority which has jurisdiction over the road; and~~

~~(3) After the State or the local authority has held a public hearing to determine whether the crossing should be designated an exempt crossing.~~

~~5. It is unlawful for the driver of any vehicle, when crossing at grade any track or tracks of a railroad, to fail to completely cross the track or tracks without stopping due to insufficient:~~

- ~~(a) Space for the vehicle on the opposite side of the railroad crossing; or~~
- ~~(b) Undercarriage clearance of the vehicle.~~

~~6. A person who violates any provision of this section is guilty of a petty misdemeanor.~~

~~7. As used in this section, "completely cross" means to travel across a railroad track or tracks in such a manner that the trailing end of the vehicle is 15 feet or more past the nearest rail of the railroad track or tracks.~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 484B.563 is hereby amended to read as follows:~~

~~484B.563 1. It is unlawful for any person to operate or move any crawler type tractor, power shovel, derrick, roller, or any vehicle, equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one half inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a highway, upon or across any tracks at a railroad grade crossing without first complying with this section.~~

~~2. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.~~

~~3. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a flagger is provided by the railroad, movement over the crossing shall be under the direction of the flagger.~~

~~4. A person who violates any provision of this section is guilty of a petty misdemeanor.~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 484B.593 is hereby amended to read as follows:~~

~~484B.593 1. The Department of Transportation or a local authority, after considering the advice of the Nevada Bicycle and Pedestrian Advisory Board, may with respect to any controlled access highway under its jurisdiction:~~

- ~~(a) Require a permit for the use of the highway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a power cycle; or~~
- ~~(b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic.~~

~~2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a petty misdemeanor.~~ **(Deleted by amendment.)**

Sec. 28. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) A rate of speed that results in the injury of another person or of any property.

(e) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. ~~If~~ Except as otherwise provided by law, if a person is issued a traffic citation for a violation of any provision of subsection 1 [and an additional penalty is not imposed against the person pursuant to subsection 4 of NRS 484B.653], the court may, in its discretion, reduce the violation [must be reduced] from a moving traffic violation to a violation that is not a moving traffic violation. There is a presumption in favor of reducing the violation if the person pays the entire amount of the fine due before the date on which the person is first required to [appear in court pursuant] make an appearance relating to the citation [and], whether by personal appearance or through his or her counsel, but such a presumption may be overcome if the driving record of the person demonstrates a pattern of moving traffic violations.

5. Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection 1 must not exceed [the] \$20 for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable. The provisions of this subsection apply regardless of whether a person pays the entire amount of the fine in accordance with subsection 4.

Sec. 29. ~~[NRS 484B.607 is hereby amended to read as follows:~~

~~484B.607 1. Upon approaching any traffic incident, the driver of the approaching vehicle shall, in the absence of other direction given by a law enforcement officer:~~

~~(a) Decrease the speed of the vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;~~

~~(b) Proceed with caution;~~

~~(c) Be prepared to stop; and~~

~~(d) If possible, drive in a lane that is not adjacent to the lane or lanes where the traffic incident is located unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.~~

- ~~2. A person who violates subsection 1 is guilty of a *petty* misdemeanor.~~
- ~~3. As used in this section, "traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard. The term includes, without limitation:~~
- ~~(a) An authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480;~~
 - ~~(b) A tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748;~~
 - ~~(c) An authorized vehicle used by the Department of Transportation which is stopped or moving at a speed slower than the normal flow of traffic and which is making use of flashing amber warning lights meeting the requirements of subsection 1 of NRS 484D.185 or lamps that emit nonflashing blue light meeting the requirements of NRS 484D.200;~~
 - ~~(d) A public utility vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.195;~~
 - ~~(e) An authorized vehicle of a local governmental agency which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;~~
 - ~~(f) Any vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;~~
 - ~~(g) A crash scene;~~
 - ~~(h) A stalled vehicle;~~
 - ~~(i) Debris on the roadway; or~~
 - ~~(j) A person who is out of his or her vehicle attending to a repair of the vehicle.} (Deleted by amendment.)~~

~~Sec. 30. [NRS 484B.630 is hereby amended to read as follows:~~

~~484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver of a slow moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:~~

- ~~(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or~~
- ~~(b) In the absence of such a designated turnout, at the nearest place where:~~
 - ~~(1) Sufficient area for a safe turnout exists; and~~
 - ~~(2) The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.~~

~~2. A person who violates subsection 1 is guilty of a *petty* misdemeanor.~~

~~3. As used in this section, "slow moving vehicle" means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the~~

~~highway or portion of the highway upon which the vehicle is traveling.]~~
(Deleted by amendment.)

~~Sec. 31. [NRS 484B.760 is hereby amended to read as follows:~~

~~484B.760 1. It is a *petty* misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive;~~

~~2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS;~~

~~3. The provisions applicable to bicycles and electric bicycles apply whenever a bicycle or an electric bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles or electric bicycles subject to those exceptions stated herein.]~~ **(Deleted by amendment.)**

~~Sec. 32. [NRS 484B.900 is hereby amended to read as follows:~~

~~484B.900 No automobile rental agency shall be liable for any traffic violation arising out of the use of a leased or rented motor vehicle during the period such motor vehicle is not in the possession of the agency. This section does not absolve any such agency from liability for any *petty misdemeanor or* misdemeanor committed by an officer, employee or agent of the agency.]~~
(Deleted by amendment.)

~~Sec. 33. [NRS 484B.920 is hereby amended to read as follows:~~

~~484B.920 1. A procession, except a funeral procession, or parade, except the forces of the United States Armed Services, the military forces of this State and the forces of the police and fire departments, must not occupy, march or proceed along any highway except in accordance with the permit issued by the proper public authority;~~

~~2. A sound truck or other vehicle equipped with an amplifier or loudspeaker must not be driven upon any highway for the purpose of selling, offering for sale or advertising in any fashion except in accordance with a permit issued by the proper public authority;~~

~~3. An oversized or overweight vehicle or equipment must not be driven, occupy or proceed upon any highway except in accordance with a permit issued by the Department of Transportation;~~

~~4. The Department of Transportation, upon request, shall notify a city or county immediately after a permit has been issued for an oversized or overweight vehicle or equipment to be driven, occupy or proceed upon any highway under the jurisdiction of that city or county;~~

~~5. Nothing in chapters 484A to 484E, inclusive, of NRS prohibits a city or county affected by the issuance of permits pursuant to this section from:~~

~~(a) Recommending to the Department of Transportation the establishment of certain routes by which oversized or overweight vehicles may proceed through the city or county and any modifications to those routes; or~~

~~(b) Notifying the Department of Transportation if the issuance of a permit authorizing an oversized or overweight vehicle or equipment to be driven;~~

~~occupy or proceed upon a certain highway would negatively impact traffic safety or flow of traffic due to unique conditions in the city or county.~~

~~6. The Department of Transportation shall adopt regulations regarding the issuance of permits for oversized or overweight vehicles or equipment to be driven, occupy or proceed upon any highway that is under the jurisdiction of a county whose population is less than 700,000, or a city in a county whose population is less than 700,000. The regulations may limit the movement of oversized or overweight vehicles to certain:~~

- ~~(a) Routes;~~
 - ~~(b) Hours of the day; or~~
 - ~~(c) Days of the week;~~
- ~~to ensure public safety.~~

~~7. Any person who violates any provision of this section is guilty of a *petty misdemeanor*.~~ **(Deleted by amendment.)**

Sec. 34. ~~[NRS 484C.475 is hereby amended to read as follows:~~

~~484C.475 Any person who provides a sample of breath for a device, with the intent to start a motor vehicle of another and for the purpose of allowing a person required to install a device pursuant to NRS 484C.210 or 484C.460 to avoid providing a sample of his or her breath, is guilty of a *petty misdemeanor*.~~ **(Deleted by amendment.)**

Sec. 35. ~~[NRS 484D.285 is hereby amended to read as follows:~~

~~484D.285 1. The driver of a vehicle which is equipped with a device for braking that uses the compression of the engine of the vehicle shall not use the device at any time unless:~~

- ~~(a) The device is equipped with an operational muffler; or~~
- ~~(b) The driver reasonably believes that an emergency requires the use of the device to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of damage to property.~~

~~2. A person who violates the provisions of this section is guilty of a *petty misdemeanor*.~~ **(Deleted by amendment.)**

Sec. 36. ~~[NRS 484D.405 is hereby amended to read as follows:~~

~~484D.405 1. It is unlawful for any person to operate or cause to be operated upon the public highways of the State of Nevada any out of state or foreign privately owned motor vehicle equipped with a red light or siren attached thereto as a part of the equipment of the vehicle.~~

~~2. This section is not intended to repeal, amend or in any manner change the existing law insofar as it applies to domestic and foreign motor vehicles except in the particular instance set out in subsection 1 and this section does not apply to motor vehicles registered in foreign states having reciprocal arrangements made with the Department in relation to the use of red lights and sirens upon out of state motor vehicles.~~

~~3. A [violation of] *person who violates* the provisions of this section is [punishable] *guilty of a petty misdemeanor and shall be punished* by a fine of not more than \$250.~~ **(Deleted by amendment.)**

Sec. 37. ~~[NRS 484D.540 is hereby amended to read as follows:
484D.540 Violation of the provisions of NRS 484D.535 is a petty misdemeanor. Whenever any motor vehicle is found by any peace officer to be in violation of the provisions of NRS 484D.535, and a notice to appear or citation is issued, it may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provisions of NRS 484D.535.] (Deleted by amendment.)~~

Sec. 38. ~~[NRS 484D.580 is hereby amended to read as follows:
484D.580 Whenever the driver of a vehicle is directed by a peace officer or vehicle safety inspector in pursuance of assigned duty, to stop and submit the mechanical condition of the vehicle or its equipment to an inspection or test under conditions stated in NRS 484D.560, such driver shall stop and submit to such inspection or test. A failure or refusal so to do or to cease operation when required is a petty misdemeanor.] (Deleted by amendment.)~~

Sec. 39. ~~[NRS 484D.620 is hereby amended to read as follows:
484D.620 Any person operating or moving any vehicle or equipment over any highway who violates any length limitation in this chapter is guilty of a petty misdemeanor.] (Deleted by amendment.)~~

Sec. 40. ~~[NRS 484D.675 is hereby amended to read as follows:
484D.675 1. Authority for the enforcement of the provisions of NRS 484D.630 to 484D.680, inclusive, is vested in certain law enforcement agencies in this State.~~

~~2. Any category I peace officer, officer of the Nevada Highway Patrol or inspector acting within his or her jurisdiction who has reasonable suspicion that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle either by means of portable or stationary scales and may require that the vehicle be driven to the nearest public scales, if they are within 5 miles. Reasonable suspicion is not required before use of any device that weighs a vehicle without requiring the driver to stop the vehicle or leave the roadway.~~

~~3. An officer of the Nevada Highway Patrol, a category I peace officer or an inspector upon weighing a vehicle and load as provided in subsection 2 who determines that the weight is unlawful may require the driver to stop in a suitable place and remove such portion of the load as may be necessary to reduce the gross weight of the vehicle to those limits permitted under NRS 484D.630 to 484D.680, inclusive. All materials so unloaded must be cared for by the carrier of the material and at the carrier's expense. The officer of the Nevada Highway Patrol, category I peace officer or inspector may allow the driver of the inspected vehicle to continue on his or her journey if any overload does not exceed by more than 5 percent the limitations prescribed by NRS 484D.630 to 484D.680, inclusive, but the penalties provided in NRS 484D.680 must be imposed for the overload violation.~~

~~4. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer of the Nevada Highway Patrol, a category I peace officer or an~~

~~inspector upon a weighing of the vehicle to stop and otherwise comply with the provisions of NRS 484D.630 to 484D.680, inclusive, is guilty of a petty misdemeanor.~~

~~5. As used in this section:~~

~~(a) "Category I peace officer" means a peace officer, as defined in NRS 289.460, who:~~

~~(1) Has received specialized training concerning vehicle weight enforcement;~~

~~(2) Is certified by the Commercial Vehicle Safety Alliance to perform a North American Standard Inspection; and~~

~~(3) Has completed a vehicle weight enforcement training program that is specific to this State and conducted by the Nevada Highway Patrol.~~

~~(b) "Inspector" means an inspector of the Department of Motor Vehicles or the Department of Public Safety who has completed a vehicle weight enforcement training program that is specific to this State and conducted by the Nevada Highway Patrol.~~

~~(c) "Law enforcement agency" has the meaning ascribed to it in NRS 202.873.~~

~~(d) "North American Standard Inspection" has the meaning ascribed to it in 49 C.F.R. § 350.105. (Deleted by amendment.)~~

Sec. 41. ~~[NRS 484D.745 is hereby amended to read as follows:~~

~~484D.745 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484D.685 to 484D.740, inclusive, is guilty of a petty misdemeanor.~~

~~2. Any person operating or moving any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon conviction, as provided in NRS 484D.680. (Deleted by amendment.)~~

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. 443.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 409.

SUMMARY ~~[Removes the prospective expiration of]~~ **Revises provisions relating to** the Clark County Sales and Use Tax Act of 2005. (BDR S-1128)

AN ACT relating to taxation; **revising provisions governing the contents of the periodic reports on the use of the proceeds of the sales and use tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005;** removing the prospective expiration of the Clark County Sales and Use Tax Act of 2005; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department. (Clark County Sales and Use Tax Act of 2005) **A police department is prohibited from spending the proceeds of the tax unless the expenditure has been approved by a designated body and only if the use will not replace or supplant existing funding for the police department. (Section 13 of chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, p. 3158) The Act also requires that certain reports concerning expenditures pursuant to the Act be submitted to the Department of Taxation. (Section 13.5 of chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, p. 3160) Section 1 of this bill requires that the reports include information relating to expenditures for equipment and academies for training officers. Section 1 also provides for a criminal penalty if a person knowingly provides or causes to be provided false or misleading information for such a report or includes or causes to be included such information in such a report.**

The Clark County Sales and Use Tax Act of 2005 is set to expire on October 1, 2025. (Section 23 of chapter 249, Statutes of Nevada 2005, p. 917) ~~[This]~~ **Section 1.5 of this bill** removes the prospective expiration of the Act, thereby authorizing the imposition of such a tax in Clark County after October 1, 2025.

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

Section 1. Section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as last amended by chapter 497, Statutes of Nevada 2011, at page 3160, is hereby amended to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this act shall submit to the Department the periodic reports required pursuant to this section and such other information relating to the provisions of this act as may be requested by the Department.

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Department and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this act. ~~f. and~~

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this act. ~~f. and~~

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers. ~~f. and~~

(3) **The equipment purchased with the use of the proceeds from the sales and use tax imposed pursuant to this act, including, without limitation, computers, radios, firearms and holsters.**

(4) Expenditures for each academy for training officers, including, without limitation, expenditures for equipment for persons attending the academy. The expenditures must be disaggregated based on the persons attending the academy, including, without limitation:

(I) Each person who did not successfully complete the academy;
and

(II) Each person who was recently hired by a public safety agency who completed the academy.

(5) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this act; and

(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department. ~~f. and~~

(c) Any other information required to complete the form for the report.

4. The Department may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this act.

5. A person shall not knowingly:

(a) Provide or cause to be provided false or misleading information to an entity that is required to submit a report pursuant to this section;

or

(b) Include or cause to be included false or misleading information in the report required to be submitted pursuant to this section.

6. A person who violates subsection 5 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

~~Section 1.~~ *Sec. 1.5.* Section 23 of chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:

Sec. 23. ~~1.~~ This act becomes effective:

~~(a)~~ *1.* Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~(b)~~ *2.* On October 1, 2005, for all other purposes.

~~2. This act expires by limitation on October 1, 2025.~~

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 446.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 408.

AN ACT relating to economic development; revising the Nevada New Markets Jobs Act; revising provisions governing investments in, or loans to, qualified active low-income community businesses by certain qualified community development entities; **authorizing an additional amount of investments to be made in qualified community development entities in exchange for certain tax credits**; revising provisions governing the recapture of tax credits issued in exchange for an investment in a qualified community development entity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Nevada New Markets Jobs Act. (Chapter 231A of NRS) Under existing law, ~~for certain business entities,~~ **insurance companies** are entitled to receive a credit against ~~the insurance premium tax,~~ **certain taxes** imposed on insurance companies in exchange for making an investment in a qualified community development entity. (NRS 231A.200) A qualified community development entity in which such an investment is made is required to use 85 percent of the investment to make capital or equity investments in, or loans to, qualified active low-income community businesses, which are defined as businesses that satisfy certain criteria related to conducting business in a low-income community. (NRS 231A.110, 231A.130, 231A.140, 231A.250; 26 U.S.C. § 45D) **Section 2.5 of this bill: (1) authorizes an additional amount of investments in qualified community development entities which may be made in exchange for a credit against certain taxes imposed on insurance companies; and (2) increases from \$5**

million to \$8 million the maximum amount of the investment in a single qualified development entity for which tax credits may be received. Section 2.3 of this bill prohibits these tax credits from being used for any tax due for a period beginning before July 1, 2021.

Existing regulations prohibit a qualified active low-income community business from accepting investments from more than one qualified community development entity unless the qualified active low-income community business first obtains the approval of the Department of Business and Industry. (NAC 231A.050) **Section 1** of this bill authorizes a qualified community development entity to make a capital or equity investment in, or a loan to, a qualified active low-income community business jointly with one or more other qualified community development entities. **Section 1** also authorizes a qualified community development entity to make a capital or equity investment in, or a loan to, a qualified active low-income community business using money attributable to investments made in the qualified community development entity for which the entity received tax credits under existing state ~~for~~ and federal law.

Under existing law, for the purpose of determining whether a qualified community development entity is making a capital or equity investment in, or a loan to, a qualified active low-income community business, a business which is receiving certain abatements from taxation is not eligible to be considered a qualified active low-income community business. (NRS 231A.170) **Section 2** of this bill authorizes a business receiving such an abatement from taxation to be considered a qualified active low-income community business if the business waives the abatement and provides written notice of that waiver to the Office of Economic Development not later than the due date of the first payment of any tax that would be abated pursuant to the abatement from taxation.

Section 2.7 of this bill requires a qualified community development entity that has made an investment in or a loan to a qualified active low-income community business to allow the business to apply to refinance the investment or loan if at least 4 years has passed since the investment or loan was made and the investment or loan has not previously been refinanced.

Existing law requires the Department of Business and Industry to recapture a tax credit provided under the Act from the business entity claiming the tax credit under certain circumstances, including, without limitation, if the qualified community development entity in which the business entity invested: (1) fails to make capital or equity investments in, or loans to, qualified active low-income community businesses in an amount equal to at least 85 percent of the money received by the qualified community development entity from the business entity's investment; or (2) uses the cash proceeds of the investment to make a capital or equity investment in, or loan to, one qualified active low-income community business in an amount that exceeds 25 percent of those cash proceeds. (NRS 231A.250) Existing regulations define "cash

proceeds” for the purposes of these provisions as the amount paid by the business entity to the qualified community development entity for the investment in the qualified community development entity. (NAC 231A.070) **Section 3** of this bill incorporates that definition into statute.

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

Section 1. Chapter 231A of NRS is hereby amended by adding thereto a new section to read:

1. A qualified community development entity may make a qualified low-income community investment jointly with one or more other qualified community development entities.

2. A qualified community development entity may make a qualified low-income community investment using money attributable to:

(a) The purchase price of a qualified equity investment;

(b) The amount paid to a qualified community development entity for a qualified equity investment, as defined in 26 U.S.C. § 45D(b), by an entity that receives a tax credit pursuant to 26 U.S.C. § 45D; or

(c) Any combination of the amounts described in paragraphs (a) and (b).

Sec. 2. NRS 231A.170 is hereby amended to read as follows:

231A.170 1. For the purpose of NRS 231A.110, a qualified active low-income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low-income community investment is made. A business must be considered a qualified active low-income community business for the duration of the qualified community development entity’s investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.

2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:

(a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and

(b) Is the primary tenant of the real estate leased from the first business.

3. ~~The~~ **Except as otherwise provided in subsection 4, the** following businesses are not qualified active low-income community businesses:

(a) A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754.

(b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.

(c) A business engaged in banking or lending.

(d) A massage parlor.

(e) A bath house.

(f) A tanning salon.

(g) A country club.

(h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 463.170.

(i) A liquor store.

(j) A golf course.

4. A business that has received an abatement from taxation pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 is a qualified active low-income community business if the business elects to waive the abatement and provides written notice of the waiver of the abatement to the Office of Economic Development not later than the due date of the first payment of any tax which would be abated if the abatement became effective. If the business provides the written notice to the Office of Economic Development:

(a) Within the period required by this subsection:

(1) Any agreement entered into by the business and the Office of Economic Development pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 is void; and;

(2) The Office of Economic Development must forward a copy of the written notice to the Department and each governmental entity or official to whom a copy of the certificate of eligibility for the abatement was forwarded.

(b) After the period required by this subsection has expired, the Office of Economic Development must provide written notice to the Department and the business that the abatement has not been waived and the business is not a qualified active low-income community business.

Sec. 2.3. NRS 231A.200 is hereby amended to read as follows:

231A.200 An entity that makes a qualified equity investment earns a vested right to credit against the entity's liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030 that may be used as follows:

1. ~~On~~ **Except as otherwise provided in this subsection, on** each credit allowance date of the qualified equity investment, the entity, or the subsequent holder of the qualified equity investment, is entitled to use a portion of the credit during the taxable year that includes the credit allowance date. **If an entity makes a qualified equity investment on or after July 1, 2019, the entity may not use any portion of the credit against the entity's liability for insurance premium tax for any period beginning before July 1, 2021.**

2. The credit amount is equal to the applicable percentage for the credit allowance date multiplied by the purchase price paid to the issuer of the qualified equity investment.

3. Except as otherwise provided in subsection 4, the amount of the credit claimed by an entity must not exceed the amount of the entity's liability for insurance premium tax for the tax year for which the credit is claimed.

4. If the insurance premium tax is eliminated or reduced below the level that was in effect on the first credit allowance date, the entity is entitled to a credit against any other taxes paid to the Department of Taxation in an amount equal to the difference between the amount the entity would have been able to claim against its insurance premium tax liability had the tax not been eliminated or reduced and the amount the entity was actually able to claim, if any.

↪ Any amount of tax credit that the entity is prohibited from claiming in a taxable year as a result of subsection 3 or 4 may be carried forward for use in any subsequent taxable year.

Sec. 2.5. NRS 231A.230 is hereby amended to read as follows:

231A.230 1. A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment and eligible for tax credits under this chapter must apply to the Department for that designation. An application submitted by a qualified community development entity must include the following:

(a) Evidence of the applicant's certification as a qualified community development entity.

(b) A copy of an allocation agreement executed by the applicant, or its controlling entity, and the Community Development Financial Institutions Fund of the United States Department of the Treasury which includes the State of Nevada in the service area set forth in the allocation agreement.

(c) A certificate executed by an executive officer of the applicant:

(1) Attesting that the allocation agreement remains in effect and has not been revoked or cancelled by the Community Development Financial Institutions Fund; and

(2) Setting forth the cumulative amount of allocations awarded to the applicant by the Community Development Financial Institutions Fund.

(d) A description of the proposed amount, structure and purchaser of the qualified equity investment.

(e) If known at the time of application, identifying information for any entity that will use the tax credits earned as a result of the issuance of the qualified equity investment.

(f) Examples of the types of qualified active low-income businesses in which the applicant, its controlling entity or the affiliates of its controlling entity have invested under the federal New Markets Tax Credit Program. An applicant is not required to identify the qualified active low-income community businesses in which it will invest when submitting an application.

(g) A nonrefundable application fee of \$5,000. This fee must be paid to the Department and is required for each application submitted.

(h) The refundable performance fee required by subsection 1 of NRS 231A.270.

2. Within 30 days after receipt of a completed application containing the information set forth in subsection 1, including the payment of the application fee and the refundable performance fee, the Department shall grant or deny the application in full or in part. If the Department denies any part of the application, it shall inform the qualified community development entity of the grounds for the denial. If the qualified community development entity provides any additional information required by the Department or otherwise completes its application within 15 days after the date of the notice of denial, the application must be considered complete as of the original date of submission. If the qualified community development entity fails to provide the information or complete its application within the 15-day period, the application remains denied and must be resubmitted in full with a new date of submission.

3. If the application is complete, the Department shall certify the proposed equity investment or long-term debt security as a qualified equity investment that is eligible for tax credits under this chapter, subject to the limitations contained in subsection 5. The Department shall provide written notice of the certification to the qualified community development entity. The notice must include the names of those entities who will earn the credits and their respective credit amounts. If the names of the entities that are eligible to use the credits change as the result of a transfer of a qualified equity investment or an allocation pursuant to NRS 231A.210, the qualified community development entity shall notify the Department of the change.

4. The Department shall certify qualified equity investments in the order applications are received by the Department. Applications received on the same day shall be deemed to have been received simultaneously. For applications that are complete and received on the same day, the Department shall certify, consistent with remaining qualified equity investment capacity, the qualified equity investments in proportionate percentages based upon the ratio that the amount of qualified equity investment requested in an application bears to the total amount of qualified equity investments requested in all applications received on the same day.

5. The Department:

(a) Shall certify \$200,000,000 in qualified equity investments ~~for~~ **before July 1, 2019, and \$200,000,000 in qualified equity investments on or after July 1, 2019;**

(b) Shall not certify any single qualified equity investment of less than ~~[\$5,000,000;]~~ **\$8,000,000;** and

(c) Shall not certify more than a total of \$50,000,000 in qualified equity investments to any single applicant, including all affiliates and partners of the applicant which are qualified community development entities.

➔ If a pending request cannot be fully certified because of these limits, the Department shall certify the portion that may be certified unless the qualified community development entity elects to withdraw its request rather than receive partial certification.

6. An approved applicant may transfer all or a portion of its certified qualified equity investment authority to its controlling entity or any affiliate or partner of the controlling entity which is also a qualified community development entity, if the applicant provided the information required in the application with respect to the transferee and the applicant notifies the Department of the transfer within 30 days after the transfer.

7. Within 30 days after the applicant receives notice of certification, the qualified community development entity or any transferee pursuant to subsection 6 shall issue the qualified equity investment and receive cash in the amount certified by the Department. The qualified community development entity or transferee under subsection 6 must provide the Department with evidence of the receipt of the cash investment within 10 business days after receipt. If the qualified community development entity or any transferee under subsection 6 does not receive the cash investment and issue the qualified equity investment within 30 days after receipt of the notice of certification, the certification lapses and the entity may not issue the qualified equity investment without reapplying to the Department for certification. Lapsed certifications revert back to the Department and must be reissued, first, pro rata to other applicants whose qualified equity investment allocations were reduced pursuant to subsection 4 and, thereafter, in accordance with requirements for submitting the application.

Sec. 2.7. NRS 231A.240 is hereby amended to read as follows:

231A.240 1. A qualified community development entity which issues qualified equity investments under this chapter shall make qualified low-income community investments in businesses located in severely distressed census tracts, on a combined basis with all of its affiliated qualified community development entities that have issued qualified equity investments under this chapter, in an amount equal to at least 30 percent of the purchase price of all qualified equity investments issued by such entities.

2. The Director may reduce the requirement in subsection 1 to 20 percent if the qualified community development entity uses its commercially reasonable best efforts to satisfy the requirements of subsection 1 and fails to do so within 9 months after its initial credit allowance date.

3. **A qualified community development entity which makes a qualified low-income community investment must allow the business in which the qualified low-income community investment is made to apply to refinance the qualified low-income investment if at least 4 years has passed since the qualified community development entity made the qualified low-income investment and the qualified low-income investment has not previously been refinanced.**

4. As used in this section, “severely distressed census tract” means a census tract that, in the immediately preceding census, had:

(a) More than 30 percent of households with a household income below the federally designated level signifying poverty;

(b) A median household income of less than 60 percent of the median household income in this State; or

(c) A rate of unemployment that was equal to or greater than 150 percent of the national average.

Sec. 3. NRS 231A.250 is hereby amended to read as follows:

231A.250 Except as otherwise provided in NRS 231A.260, the Department shall recapture, from the entity that claimed the credit on a return, the tax credit allowed under this chapter if:

1. Any amount of a federal tax credit available with respect to a qualified equity investment that is eligible for a credit under this chapter is recaptured under section 45D of the Internal Revenue Code of 1986, 26 U.S.C. § 45D. In such a case, the Department's recapture must be proportionate to the federal recapture with respect to the qualified equity investment.

2. The issuer redeems or makes principal repayment with respect to a qualified equity investment before the seventh anniversary of the issuance of the qualified equity investment. In such a case, the Department's recapture must be proportionate to the amount of the redemption or repayment with respect to the qualified equity investment.

3. The issuer fails to invest an amount equal to 85 percent of the purchase price of the qualified equity investment in qualified low-income community investments in this State within 12 months after the issuance of the qualified equity investment and maintain at least an 85-percent level of investment in qualified low-income community investments in the State until the last credit allowance date for the qualified equity investment. For the purposes of this chapter, an investment shall be deemed held by an issuer even if the investment has been sold or repaid if the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within 12 months after the receipt of such capital. An issuer is not required to reinvest capital returned from qualified low-income community investments after the earlier of:

(a) The sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment; or

(b) The date by which a qualified community development entity has made qualified low-income community investments with the proceeds of the qualified equity investment on a cumulative basis equal to at least 150 percent of those proceeds, in which case the qualified low-income community investment must be considered held by the issuer through the seventh anniversary of the qualified equity investment's issuance.

4. At any time before the final credit allowance date of a qualified equity investment, the issuer uses the cash proceeds of the qualified equity investment to make qualified low-income community investments in any one qualified active low-income community business, including affiliated qualified active low-income community businesses, exclusive of reinvestments of capital

returned or repaid with respect to earlier investments in the qualified active low-income community business and its affiliates, in excess of 25 percent of those cash proceeds.

↪ *As used in this section, “cash proceeds” or “proceeds” means the amount paid to the issuer of a qualified equity investment for the qualified equity investment.*

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

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 448.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 463.

AN ACT relating to the Legislature; **revising provisions governing the procedure to fill a vacancy in the office of a Legislator**; setting forth certain residency requirements for a person appointed to fill a vacancy in the office of a Legislator; **providing penalties**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a candidate seeking election to the office of a Legislator must actually, as opposed to constructively, reside in the legislative district for at least 30 days immediately preceding the deadline for the close of the filing period to become a candidate. (NRS 293.1755) Additionally, existing law requires the legislative candidate to be an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding his or her election. (NRS 218A.200)

Existing law ~~provides that~~ also requires the legislative candidate to file a declaration or acceptance of candidacy and a declaration of residency in which the legislative candidate swears or affirms under penalty of perjury that he or she meets the residency requirements and other qualifications for the legislative office. Finally, existing law provides that a legislative candidate who knowingly and willfully files a declaration or acceptance of candidacy or declaration of residency that contains a false statement is guilty of a gross misdemeanor. (NRS 293.177, 293.181)

This bill enacts similar provisions with regard to persons who file applications to fill a vacancy in a legislative office. Under the Nevada Constitution and existing statutes, if a vacancy occurs in the office of a Legislator during a regular or special session or when no election at which officers are to be elected will take place before the next regular or special session, the appropriate board or boards of county commissioners are required to fill the vacancy by appointment. (Nev. Const. Art. 4, § 12; NRS

218A.260) Section 2 of this bill requires the appropriate board or boards of county commissioners charged with filling the vacancy to establish: (1) a process by which persons may file applications to fill the vacancy; and (2) a deadline for the close of filing of applications to fill the vacancy. Section 3 of this bill requires persons filing such applications to also file declarations of eligibility in which they swear or affirm under penalty of perjury that they meet the residency requirements and other qualifications to fill the vacancy. Section 3 further provides that any person who knowingly and willfully files a declaration of eligibility that contains a false statement is guilty of a gross misdemeanor.

Finally, the Nevada Constitution and existing statutes provide that when filling a vacancy in a legislative office, the appropriate board or boards of county commissioners must appoint a person who : (1) is a duly qualified elector in the legislative district; (2) has been an actual, as opposed to constructive, citizen resident of this State for 1 year next preceding the person's appointment; (3) has attained the age of 21 years at the time of the person's appointment; (4) is a member of the same political party as the former Legislator ; and ~~who~~ (5) actually, as opposed to constructively, resides in the legislative district. (Nev. Const. Art. 4, §§ 5, 12; NRS 218A.200, 218A.260) ~~[This bill requires]~~ Sections 4 and 5 of this bill clarify that the person appointed to fill ~~for~~ the vacancy must meet all these qualifications for the legislative office and must also: (1) have timely filed an application and declaration of eligibility under sections 2 and 3; and (2) have actually, as opposed to constructively, resided in the legislative district for at least 30 days immediately preceding the ~~[date]~~ deadline established ~~[by the board of county commissioners]~~ under section 2 for the close of filing of applications to fill the vacancy.

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

Section 1. Chapter 218A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall establish:

(a) A process by which persons may file applications with the board to fill the vacancy; and

(b) A specific date for the close of filing of applications to fill the vacancy.

2. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district comprising more than one county:

(a) The board of county commissioners of each county within or partly within the district shall establish a process by which persons may file applications with that board to fill the vacancy.

(b) The board of county commissioners of the county with the largest population in the district shall, after considering any recommendations made by the other boards within a reasonable time after the vacancy, establish a specific date that is the same for all of the boards for the close of filing of applications to fill the vacancy.

Sec. 3. 1. If a person files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to section 2 of this act, the person must execute and file with his or her application a declaration of eligibility that must be in substantially the following form:

For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, (name of assembly or senatorial district), I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date established pursuant to section 2 of this act for the close of filing of applications to fill the vacancy; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of eligibility which contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date of my appointment and that, during such period, I will have resided at the following residence or residences:

.....
<u>Street Address</u>	<u>Street Address</u>
.....
<u>City or Town</u>	<u>City or Town</u>
.....
<u>State</u>	<u>State</u>
<u>From</u>	<u>To</u>
<u>From</u>	<u>To</u>

<u>Dates of Residency</u>	<u>Dates of Residency</u>		
.....		
<u>Street Address</u>	<u>Street Address</u>		
.....		
<u>City or Town</u>	<u>City or Town</u>		
.....		
<u>State</u>	<u>State</u>		
<u>From</u>	<u>To</u>	<u>From</u>	<u>To</u>
<u>Dates of Residency</u>	<u>Dates of Residency</u>		
<u>(Attach additional sheet or sheets of residences as necessary)</u>			
.....			
<u>(Name of applicant)</u>			
.....			
<u>(Signature of applicant)</u>			

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

~~Section 1~~ Sec. 4. NRS 218A.200 is hereby amended to read as follows:

218A.200 A person is not eligible to be elected or appointed to office as a Legislator unless the person:

1. Is a qualified elector;
2. Has been an actual, as opposed to constructive, citizen resident of this State for 1 year next preceding the person's election or appointment; ~~and~~
3. At the time of election or appointment, has attained the age of 21 years

~~;~~ and

4. Meets all other qualifications for the office as required by the Constitution and laws of this State.

Sec. 5. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If, for any reason set forth in Section 12 of Article 4 of the Nevada Constitution or for any other reason, a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who timely files an application to fill the vacancy pursuant to section 2 of this act and a declaration of eligibility pursuant to section 3 of this act, who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, ~~resides~~ resided in the district ~~for at least 30 days immediately preceding the date established by the board of county commissioners pursuant to subsection 1 of section 2 of this act for the close of filing of applications by persons applying to fill the vacancy.~~

3. If the former Legislator was elected or appointed from a district comprising more than one county, the boards of county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who timely files an application to fill the vacancy pursuant to section 2 of this act and a declaration of eligibility pursuant to section 3 of this act, who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, ~~resides~~ resided in the district ~~for at least 30 days immediately preceding the date established by the board of county commissioners pursuant to subsection 2 of section 2 of this act for the close of filing of applications by persons applying to fill the vacancy.~~ To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county

commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

~~{Sec. 2.}~~ **Sec. 6.** 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. 457.

Bill read second time.

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

Amendment No. 491.

AN ACT relating to chiropractic; revising provisions relating to membership of the Chiropractic Physicians' Board of Nevada; revising provisions governing the application for a license to practice chiropractic; revising the time period in which a qualified applicant for a license to practice chiropractic may practice while waiting to take the Board's examination; **revising provisions relating to temporary licenses to practice chiropractic;** authorizing the Board to adopt certain regulations concerning the renewal of certain licenses and certificates; **revising provisions relating to reinstating a license to practice chiropractic;** revising provisions governing disciplinary action by the Board; repealing the definition of gross malpractice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Chiropractic Physicians' Board of Nevada, consisting of seven members, and prohibits three or more persons who are resident graduates of the same school or college of chiropractic from serving on the Board at the same time. (NRS 634.020) **Section 1** of this bill removes this prohibition.

Existing law requires an applicant for a license to practice chiropractic, not less than 60 days before the date of the licensing examination, to: (1) file an application for examination with the Secretary of the Board; (2) submit certain evidence relating to his or her qualifications for licensure; and (3) pay the examination application fee. (NRS 634.080, 634.090, 634.100) **Sections 2-4** of this bill eliminate the requirement for such actions to be completed 60 days in advance.

Section 2 of this bill ~~{also prohibits}~~ **additionally authorizes** an applicant ~~{from taking}~~ **to take** the licensing examination ~~{until}~~ **any time after** the ~~{Board}~~ **Executive Director of the Board** determines that his or her

application is complete. **Section 3 of this bill additionally requires an applicant to submit evidence that the applicant has successfully: (1) completed certain parts of the examination administered by the National Board of Chiropractic Examiners; or (2) completed certain exit examinations from certain colleges of chiropractic.**

Existing law authorizes an applicant for a license to practice chiropractic who has certain qualifications to perform chiropractic under the direct supervision of a chiropractor while the applicant is waiting to take the Board's examination. Existing law prohibits an applicant from practicing in such a manner for longer than 2 years. (NRS 634.105) **Section 5** of this bill prohibits an applicant from practicing in such a manner for longer than 90 days.

Existing law requires an applicant for a temporary license to practice chiropractic to file an application for a temporary license with the Secretary of the Board. (NRS 634.115) Section 5.5 of this bill requires an applicant to file such an application with the Executive Director of the Board.

Existing law requires a license to practice chiropractic or a certificate as a chiropractor's assistant to be renewed biennially. Existing law requires a chiropractor and a chiropractor's assistant to submit satisfactory proof to the Board that he or she attended a certain number of hours of continuing education. (NRS 634.130) **Section 6** of this bill authorizes the Board to adopt regulations that provide for random audits of chiropractors and chiropractor's assistants to ensure compliance with these continuing education requirements. Existing law authorizes the Board to waive the renewal fee for a chiropractor or a chiropractor's assistant if the chiropractor or chiropractor's assistant was in active military service at the time the renewal fee was due. (NRS 634.130) **Section 6** authorizes the Board to adopt regulations that provide for the prorating or waiving of a renewal fee if such prorating or waiving is based on the date on which: (1) the license to practice chiropractic or certificate to practice as a chiropractor's assistant was issued by the Board; and (2) such a license or certificate must be renewed. ~~[Section 7 of this bill makes a conforming change.]~~

Existing law authorizes a person who held a license that has expired to apply to the Board to have the license reinstated to active status. Existing law requires such an applicant for reinstatement of his or her license to score 75 percent or higher on an examination prescribed by the Board on the provisions relating to the practice of chiropractic. (NRS 634.131) Section 7 requires such an applicant to score: (1) for certain written, closed-book examinations, 75 percent or higher; or (2) for certain written, open-book examinations or online examinations, 90 percent or higher.

Existing law prescribes the grounds for initiating disciplinary action, including conviction of a felony relating to the practice of chiropractic. (NRS 634.140) **Section 8** of this bill revises the grounds by including conviction for any crime and adding incompetence or negligence in the practice of chiropractic as a ground for disciplinary action.

Existing law provides that a person charged with a ground for disciplinary action is entitled to a hearing before the Board. Existing law further provides that if the Board finds the person guilty as charged in a complaint, the Board may order specified disciplinary actions. (NRS 634.190) **Section 9** of this bill revises provisions governing the Board's finding to whether the person ~~violated~~ **committed** one or more of the ~~grounds~~ **charges** made in the complaint. **Section 9** also provides that the Board's order of disciplinary action may contain such terms, provisions or conditions as the Board deems proper to remedy or address the facts and circumstances of the case.

Existing law provides immunity from civil action for the Board or any person or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor for gross malpractice, repeated malpractice or unprofessional conduct. (NRS 634.216) Existing law provides that unprofessional conduct includes malpractice. (NRS 634.018) **Section 10** of this bill amends this provision to remove: (1) gross malpractice, the definition of which is repealed by **section 11** of this bill; and (2) repeated malpractice, which is no longer specified as an independent ground for disciplinary action.

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

Section 1. NRS 634.020 is hereby amended to read as follows:

634.020 1. The Chiropractic Physicians' Board of Nevada, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who are:

(1) Graduates of chiropractic schools or colleges giving a course of study embracing the following subjects: Anatomy, bacteriology, chiropractic theory and practice, diagnosis or analysis, elementary chemistry and toxicology, histology, hygiene and sanitation, obstetrics and gynecology, pathology, physiology and symptomatology;

(2) Licensed under this chapter; and

(3) Actually engaged in the practice of chiropractic in this State and who have been so engaged in this State for at least 3 years preceding their appointment.

(b) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) Two members who are representatives of the general public. A member appointed pursuant to this paragraph must not be:

(1) A chiropractor or a chiropractor's assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a chiropractor or a chiropractor's assistant.

3. At least two of the appointees must have had a course in physiotherapy in a school or college of chiropractic. ~~[Not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the Board.]~~

Sec. 2. NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application ~~[not less than 60 days before the date of the examination]~~

~~[2. An application must be filed]~~ with the Secretary of the Board on a form to be furnished by the ~~[Secretary]~~ **Executive Director of the Board. An applicant may ~~[not]~~ take the examination ~~[until]~~ any time after the ~~[Board]~~ Executive Director determines that his or her application is complete.**

~~[3.]~~ 2. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.

(f) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate from the chiropractic board of each state in which the applicant was licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

(g) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(h) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(i) All other information required to complete the application.

~~[4.]~~ 3. An application must include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.

Sec. 3. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections 2 and 5, ~~not less than 60 days before the date of the examination,~~ that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

- (1) Anatomy;
- (2) Bacteriology;
- (3) Chiropractic theory and practice;
- (4) Diagnosis and chiropractic analysis;
- (5) Elementary chemistry and toxicology;
- (6) Histology;
- (7) Hygiene and sanitation;
- (8) Obstetrics and gynecology;
- (9) Pathology;
- (10) Physiology; and
- (11) Physiotherapy; and

(c) That the applicant ~~is~~ **has successfully:**

(1) ~~holds certificates which indicate that he or she has passed~~ **Completed** parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners ~~is~~ **or its successor organization;** or

(2) ~~has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.~~ **Completed an examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency. Such an examination must be:**

(I) Administered by such a college; and

(II) Approved by the Board.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in subsections 4 and 5, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:

- (a) Is accredited by the Council on Chiropractic Education; or
- (b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

Sec. 4. NRS 634.100 is hereby amended to read as follows:

634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board ~~[not less than 60 days]~~ before the date of the examination.

2. Except as otherwise provided in NRS 622.090:

- (a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.
- (b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed.

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

Sec. 5. NRS 634.105 is hereby amended to read as follows:

634.105 An applicant for a license to practice chiropractic who has the qualifications prescribed in NRS 634.090 may, while waiting to take the Board's examination but for no longer than ~~[2 years,]~~ **90 days**, perform chiropractic, including, without limitation, chiropractic adjustment or manipulation, under the direct supervision of a chiropractor who is professionally and legally responsible for the applicant's performance.

Sec. 5.5. NRS 634.115 is hereby amended to read as follows:

634.115 1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the fee, if required, and the approval of its ~~[Secretary]~~ ***Executive Director*** and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing and who actively practices chiropractic in that jurisdiction. A

temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with the ~~Secretary~~ ***Executive Director*** of the Board not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. Except as otherwise provided in subsection 6, an application for a temporary license must be accompanied by a fee of \$50 and include:

- (a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;
- (b) A current photograph of the applicant measuring 2 by 2 inches;
- (c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and
- (d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license:

- (a) Is valid for the period designated on the license, which must be not more than 10 days;
- (b) Is valid for the place of practice designated on the license; and
- (c) Is not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

6. A chiropractic physician who applies for a temporary license solely for the purpose of providing chiropractic services to a patient in this State without remuneration is not required to pay the fee required pursuant to subsection 3.

Sec. 6. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. Except as otherwise provided in subsection ~~9, 10 or 11~~, each person who is licensed or holds a certificate as a chiropractor's assistant pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal license or certificate which authorizes the person to continue to practice for 2 years.

2. Except as otherwise provided in subsection ~~9, 10 or 11~~, the renewal fee must be paid and all information required to complete the renewal must be submitted to the Board by January 1 of:

- (a) Each odd-numbered year for a licensee; and
- (b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5, 6 or 7, a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license,

the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5, 6 or 8, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractor's assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractor's assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractor's assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

6. The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

8. A holder of a certificate as a chiropractor's assistant is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the holder of a certificate an initial certificate to practice as a chiropractor's assistant in this State.

9. ***The Board may adopt regulations that provide for random audits of licensees and holders of a certificate as a chiropractor's assistant to ensure compliance with subsection 3 or 4, as appropriate.***

10. The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.

~~10~~ **11.** *The Board may adopt regulations that provide for the prorating or waiving of the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if such prorating or waiving is based upon the date on which:*

(a) The Board issues a license to practice chiropractic or a certificate as a chiropractor's assistant; and

(b) Such license or certification must be renewed.

12. If a licensee fails to:

(a) Except as otherwise provided in subsection ~~9~~ **10 or 11**, pay the renewal fee by January 1 of an odd-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

↳ the license automatically expires and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

~~11~~ **13.** If a holder of a certificate as a chiropractor's assistant fails to:

(a) Except as otherwise provided in subsection ~~9~~ **10 or 11**, pay the renewal fee by January 1 of an even-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

↳ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 7. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license expires pursuant to the provisions of subsection ~~10~~ **12** of NRS 634.130 and the license was not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have an expired license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score :

(I) For a written, closed-book examination which is administered in person by the Board, 75 percent or higher **in all subjects** on ~~the~~ **examination [prescribed by the Board on], concerning** the provisions of this chapter and the regulations adopted by the Board; **or**

(II) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, 90 percent or higher in all subjects on the examination concerning the provisions of this chapter and the regulations adopted by the Board;

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic;

(2) The fee for reinstating a license to practice chiropractic which has expired; and

(3) The fee for the processing of fingerprints established pursuant to subsection 4; and

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

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of an expired license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

4. The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

Sec. 8. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. ***Incompetence or negligence in the practice of chiropractic.***

3. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A ~~felony~~ **crime** relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

~~3-1~~ **4.** Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

~~4-1~~ **5.** Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.

~~5-1~~ **6.** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

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

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

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

Sec. 9. NRS 634.190 is hereby amended to read as follows:

634.190 1. The person charged is entitled to a hearing before the Board, but the failure of the person charged to attend a hearing or to defend himself or herself does not delay or void the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. If the Board finds ~~that~~ the person ~~guilty as charged~~ ~~violated~~ **committed one or more of the ~~grounds~~ charges made** in the complaint, ~~it~~ **the Board** may by order:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of chiropractic.

(d) Suspend the license of the person to practice chiropractic for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice chiropractic.

(f) Impose a fine of not more than \$5,000 for each act which constitutes a ground for disciplinary action, which must be deposited with the State Treasurer for credit to the State General Fund.

↪ The order of the Board may contain such other terms, provisions or conditions as the Board deems proper ~~and which are not inconsistent with law~~ **to remedy or address the facts and circumstances of the particular case.**

3. If the Board finds that a licensee has violated the provisions of NRS 439B.425, the Board shall suspend the license for a specified period or until further order of the Board.

4. The Board shall not administer a private reprimand.

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

Sec. 10. NRS 634.216 is hereby amended to read as follows:

634.216 The Board or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a chiropractor for ~~gross malpractice, repeated malpractice or~~ unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 11. NRS 634.015 is hereby repealed.

Sec. 12. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

634.015 “Gross malpractice” defined. “Gross malpractice” means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of ministering to a patient while the chiropractor is under the influence of alcohol or any controlled substance.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 333.

SUMMARY—~~Prohibits the opening of a~~ **Revises provisions relating to** charter ~~school for a prescribed period.~~ **schools.** (BDR ~~[S 1090]~~ **34-1090**)

AN ACT relating to education; ~~prohibiting the approval of an application to operate a charter school or the execution of a charter contract with the governing body of a new charter school for a prescribed time period.~~ ; **requiring the State Public Charter School Authority to establish a plan to manage the growth of charter schools; requiring sponsors of charter schools to provide notice to the Department of Education and certain other sponsors of certain actions relating to opening or expanding a charter school; revising provisions governing the duties of a sponsor of a charter school; revising provisions governing evaluations conducted by sponsors of charter schools; revising provisions governing the duties of sponsors of charter schools; requiring certain reports to be submitted to the Legislative Committee on Education;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education that has been

approved to sponsor a charter school or the State Public Charter School Authority to approve an application to form a charter school and enter into a charter contract with the governing body of the charter school. (NRS 388A.252, 388A.270) ~~[This bill prohibits those entities from accepting or approving such an application or entering into a charter contract with the governing body of a new charter school until January 1, 2021.]~~ **Section 3 of the bill requires the State Public Charter School Authority to establish a plan to manage the growth of charter schools in this State which sets forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools. The plan must be reviewed and revised as necessary biennially. Section 7 of this bill requires the initial plan to be completed and submitted to the Legislative Committee on Education by not later than January 1, 2020. Section 4 of this bill requires the sponsor of a charter school to provide written notice to the Department of Education and, if the sponsor is not a school district, to the board of trustees of the school district where a charter school is located or proposed to be located, as applicable, when the sponsor receives notice of certain actions that may be taken or takes certain actions to open or expand a charter school.**

Existing law requires the sponsor of a charter school to evaluate academic needs of pupils in the geographic areas served by the sponsor before soliciting applications to form a charter school. (NRS 388A.220) Section 5 of this bill requires additional consideration to demographic information and the needs of any pupils who are at high risk of dropping out of school in those areas before soliciting applications. In addition, section 5 requires the sponsor of a charter school to conduct such an evaluation each year after a charter school it sponsors. Section 9 of this bill requires each sponsor of a charter school to conduct that evaluation for the charter schools it sponsors by not later than January 1, 2020.

Existing law requires the sponsor of a charter school to carry out certain responsibilities. (NRS 388A.223) Section 6 of this bill adds the duty to conduct site evaluations of each campus of a charter school that it sponsors during the first, third and fifth years after entering into or renewing a charter contract. Section 8 requires the initial site evaluation to be completed and a report submitted by each sponsor of a charter school to the Legislative Committee on Education by not later than June 30, 2020.

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

Section 1. Notwithstanding the provisions of NRS 388A.252, 388A.255 or 388A.270, the board of trustees of a school district, a college or university within the Nevada System of Higher Education or the State Public Charter School Authority shall not accept or approve an application to form a charter

school or execute a charter contract with the governing body of a new charter school until January 1, 2021. (Deleted by amendment.)

Sec. 2. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. The State Public Charter School Authority shall establish a plan to manage the growth of charter schools in this State. The plan must set forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools.

2. To develop the plan pursuant to subsection 1, the Authority shall determine the projected number of:

(a) New charter schools that the Authority will approve;

(b) Additional campuses of charter schools that the Authority will approve;

(c) Charter schools that will expand the grade levels offered at the charter schools or will otherwise increase enrollment of pupils at the charter schools; and

(d) Charter schools whose charter contracts will expire and the likelihood that the charter contracts will be renewed;

3. In addition to the information described in subsection 2, to develop the plan pursuant to subsection 1, the Authority shall consider:

(a) Information relating to pupils included in the statewide system of accountability for public schools, including, without limitation, information relating to specific groups and subgroups of pupils;

(b) Information relating to the academic needs of pupils in the various geographic areas of the State; and

(c) Any other information the Authority deems necessary to determine whether increasing the number of charter schools or expanding the campuses of existing charter schools will best serve the pupils of this State.

4. The Authority shall collaborate with the Department and each board of trustees of a school district in this State in developing the plan pursuant to subsection 1.

5. The Authority shall review the plan at least biennially and revise the plan as necessary.

Sec. 4. 1. The sponsor of a charter school shall provide written notice to the Department and, if the sponsor is not a school district, to the board of trustees of a school district in which a charter school is located or proposed to be located, as applicable, within 45 days from the date on which the sponsor:

(a) Receives notice of intent to submit an application to operate a charter school;

(b) Receives an application to operate a charter school;

(c) Receives a request to amend the charter contract of a charter school pursuant to NRS 388A.279; and

(d) Approves an application to operate a charter school or a request to amend the charter contract of a charter school.

2. The written notice must include, to the extent applicable:

(a) The location or proposed location of the charter school, as applicable, and the geographic area served or to be served by the charter school;

(b) The grade levels to be served by the charter school;

(c) The estimated number of pupils to be enrolled at the charter school; and

(d) The proposed date and year to open the charter school or amend the charter contract, as applicable.

Sec. 5. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

5. Before the State Public Charter School Authority or a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools begins soliciting applications to form a charter school, the State Public Charter School Authority, board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of ~~the~~ **demographic information of pupils, the** academic needs of pupils **and**

the needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor.

6. After the initial evaluation, the sponsor of a charter school shall conduct the evaluation described in subsection 5 on or before January 1 each year for any charter school it sponsors.

Sec. 6. NRS 388A.223 is hereby amended to read as follows:

388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;

(d) Negotiating, developing and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; ~~and~~

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330 ~~;~~; **and**

(i) Conducting site evaluations of each campus of a charter school it sponsors during the first, third and fifth years after entering into or renewing a charter contract. Such evaluations must include, without limitation, evaluating pupil achievement and school performance at each campus of the charter school and identifying any deficiencies relating to pupil achievement and school performance. The sponsor shall develop a plan with the charter school to correct any such deficiencies. A sponsor may conduct a brief evaluation of a charter school in the third year if the charter school receives, in the immediately preceding year, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools.

2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate

nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 388A.285;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.

3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

4. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 7. 1. The State Public Charter School Authority shall complete its initial plan to manage the growth of charter schools in this State required to be established pursuant to section 3 of this act and submit a copy of the plan to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education by not later than January 1, 2020.

2. The Legislative Committee on Education shall hold a hearing as soon as possible after receipt of the plan pursuant to subsection 1, during which the State Public Charter School Authority shall present the plan to the Committee.

Sec. 8. Unless a request for an extension is approved by the State Board of Education, each sponsor of a charter school shall:

1. Complete the site evaluation of each charter school it sponsors as required by NRS 388A.223, as amended by section 6 of this act; and

2. Prepare and submit a report of such evaluations to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education by not later than June 30, 2020.

Sec. 9. The sponsor of a charter school shall conduct the evaluation required pursuant to NRS 388A.220, as amended by section 5 of this bill, for any school which it sponsors by not later than January 1, 2020.

~~{Sec. 2}~~ **Sec. 10.** This act becomes effective upon passage and approval.

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. 477.

Bill read second time.

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

Amendment No. 490.

AN ACT relating to consumer contracts; enacting the Consumer Protection from the Accrual of Predatory Interest After Default Act; prohibiting the use of certain form contracts; limiting prejudgment and postjudgment interest rates and attorney's fees under certain circumstances; prohibiting choice of law, forum selection and other provisions in certain form contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains various provisions governing retail installment sales. (Chapter 97 of NRS) **Sections 2-19** of this bill enact the Consumer Protection from the Accrual of Predatory Interest After Default Act, which contains provisions governing the use of form contracts in certain consumer transactions. **Sections 5-8** of this bill define "business," "consumer," "consumer debt" and "consumer form contract." **Section 9** of this bill prohibits

the use of a consumer form contract by a business that is not in compliance with the provisions of this bill. **Section 10** of this bill exempts certain business organizations and other persons from the provisions of this bill. **Section 11** of this bill prohibits the inclusion of a choice of law or forum selection provision in a consumer form contract. **Section 12** of this bill requires any consumer form contract involving financial services be signed by the consumer in writing or electronically signed in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c). **Section 13** of this bill prohibits the inclusion of certain provisions in a consumer form contract that would limit a consumer's rights. **Section 14** of this bill declares that any provision in a consumer form contract ~~for provision~~ that violates the provisions of this bill is void and unenforceable. **Section 15** of this bill provides that if a consumer enters a ~~credit transaction~~ **consumer form contract** with a person who is required to be licensed but is not, the contract is void for all purposes. ~~Section 16 of this bill limits the claim for collection of consumer debt based on a consumer form contract to breach of contract and provides defenses for the consumer.~~ **Section 17** of this bill provides certain methods for calculating the rate of prejudgment and postjudgment interest under different circumstances. **Sections 18 and 19** of this bill provide certain methods for calculating attorney's fees for the prevailing party in any action to collect a consumer debt.

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

Section 1. Title 8 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Consumer Protection from the Accrual of Predatory Interest After Default Act.*

Sec. 3. 1. *The purpose of this chapter is to protect consumers.*

2. *This chapter must be construed as a consumer protections statute for all purposes.*

3. *This chapter must be liberally construed to effectuate its purpose.*

Sec. 4. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 8 , inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 5. *“Business” means a proprietorship, corporation, partnership, association, trust, unincorporated organization or other enterprise doing business in this State.*

Sec. 6. *“Consumer” means a natural person.*

Sec. 7. *“Consumer debt” means any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily personal, family or household purposes, whether or not such obligation has been reduced to judgment.*

Sec. 8. 1. “Consumer form contract” means a ~~contract in writing between a business and a consumer involving goods and services,~~ retail charge agreement or a retail installment contract involving a retail installment transaction in writing between a retail seller and a consumer buyer, or a lease in writing between a lessor and a consumer lessee, involving the sale or lease of goods or services, including, without limitation, credit or financial services, primarily for personal, family or household purposes and which has either been drafted by the business or by a third party for use with more than one consumer, unless a second consumer is the spouse of the first consumer.

2. As used in this section:

(a) “Buyer” has the meaning ascribed to it in NRS 97.085.

(b) “Goods” has the meaning ascribed to it in NRS 97.035.

(c) “Retail charge agreement” has the meaning ascribed to it in NRS 97.095.

(d) “Retail installment contract” has the meaning ascribed to it in NRS 97.105.

(e) “Retail installment transaction” has the meaning ascribed to it in NRS 97.115.

(f) “Retail seller” has the meaning ascribed to it in NRS 97.125.

(g) “Services” has the meaning ascribed to it in NRS 97.135.

Sec. 9. 1. A business, including, without limitation, any officer, agent, employee or representative, shall not individually or in cooperation with another, solicit the execution of, receive or rely upon a consumer form contract, including, without limitation, reliance upon the consumer form contract as a basis of a suit or claim, unless the business has complied with the provisions of this chapter.

2. The provisions of this chapter apply to any person who seeks to evade its application by any device, subterfuge or pretense.

Sec. 10. The provisions of this chapter do not apply to:

1. ~~Except as otherwise provided in section 9 of this act, a~~ A person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. Any business:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the United States Department of Housing and Urban Development and the Department of Veterans Affairs.

3. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

4. A seller of real property who offers credit secured by a mortgage of the property sold.

5. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside this State.

6. A person while performing any act authorized pursuant to chapter 604A of NRS.

Sec. 11. *If a consumer form contract is signed by the consumer or otherwise formed while the consumer resides in this State ~~+~~ with a person operating within this State:*

1. A choice of law provision in a consumer form contract which provides that the consumer form contract is to be governed or interpreted pursuant to the laws of another state is void. Enforcement and interpretation of such a contract must be governed by the laws of this State if enforcement of the consumer form contract is sought in a court of this State.

2. A forum selection provision in a consumer form contract which provides that any claims or actions related to the consumer form contract must be litigated in a forum outside this State is void.

Sec. 12. 1. Any consumer form contract involving a loan, extension of credit, deposit account or other financial services must be signed by the consumer in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).

2. Any change of terms to a consumer form contract must be agreed to by the consumer by affirmative consent, signed in writing or electronically in full compliance with Section 101(c) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001(c).

Sec. 13. A consumer form contract must not contain:

1. A provision that the consumer will hold the other party harmless, or that otherwise relieves the other party of liability, for any harm or damage caused to the consumer arising from the consumer form contract.

2. A confession of judgment clause.

3. A waiver of the right to a jury trial, ~~if applicable,~~ unless the consumer agrees to an alternative dispute resolution such as binding arbitration, in any action brought by or against the consumer.

4. Any assignment of or order for payment of wages or other compensation for services.

5. A provision in which the consumer agrees not to assert any claim or defense arising out of the consumer form contract or to seek any remedies pursuant to any consumer protection law.

6. A waiver of any provision of this chapter or any other consumer protection statute. Any such waiver shall be deemed null, void and of no effect.

7. A provision requiring or having the practical effect of requiring that any aspect of a resolution of a dispute between the parties to the agreement be kept confidential. This subsection does not affect the right of the parties to agree that certain specified information is a trade secret or otherwise confidential or to later agree, after the dispute arises, to keep a resolution confidential.

Sec. 14. ~~Any consumer form contract or provision thereof that violates this chapter shall be void and unenforceable. If only one provision of a consumer form contract violates this chapter, a~~ A provision in a consumer form contract that violates this chapter shall be void and unenforceable. A court may refuse to enforce other provisions of the consumer form contract as equity may require.

Sec. 15. Any consumer ~~credit transaction~~ form contract entered into by a consumer with a person who is required to be licensed pursuant to any provision of NRS or NAC in order to enter into the consumer transaction, but is not so licensed, is void. Neither the obligee nor any assignee of the obligation may collect, receive or retain any principal, finance charge or other fees in connection with the transaction.

Sec. 16. ~~If a consumer debt was created by or based upon a consumer form contract, any action for collection of the consumer debt may only be based on a claim for breach of contract and not upon an open account, account stated, quantum meruit or other cause of action and may not allege that the consumer form contract is an instrument or contract under seal. Regardless of the cause of action asserted, a consumer may raise a defense based upon the reasonable value of goods or services provided.~~ (Deleted by amendment.)

Sec. 17. If the plaintiff is the prevailing party in any action to collect a consumer debt:

1. And no rate of interest is stated in the consumer form contract, any prejudgment or postjudgment interest must be limited as set forth in this section.

2. And a rate of interest is stated in the consumer form contract, interest stops accruing at the rate stated in the consumer form contract on the date of default and may be awarded by the court only as set forth in this section.

3. Interest under the consumer form contract, prejudgment interest and postjudgment interest awarded by the court must not be compounded.

4. Interest accrues at the rate stated in the consumer form contract only through the date of default, and any prejudgment or postjudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The rate of interest in the consumer form contract; or

(b) A rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

Sec. 18. 1. *If the plaintiff is the prevailing party in any action to collect a consumer debt, the plaintiff is entitled to collect attorney's fees only if the consumer form contract or other document evidencing the indebtedness sets forth an obligation of the consumer to pay such attorney's fee and subject to the following conditions:*

(a) If a consumer form contract or other document evidencing indebtedness provides for attorney's fees in some specific percentage, such provision and obligation is valid and enforceable for an amount not to exceed 15 percent of the amount of the debt, excluding attorney's fees and collection costs.

(b) If a consumer form contract or other document evidencing indebtedness provides for the payment of reasonable attorney's fees by the debtor, without specifying any specific percentage, such provision must be construed to mean the lesser of 15 percent of the amount of the debt, excluding attorney's fees and collection costs, or the amount of attorney's fees calculated by a reasonable rate for such cases multiplied by the amount of time reasonably expended to obtain the judgment.

2. *The documentation setting forth a party's obligation to pay attorney's fees must be provided to the court before a court may enforce those provisions.*

Sec. 19. *If the debtor is the prevailing party in any action to collect a consumer debt, the debtor is entitled to an award of reasonable attorney's fees. The amount of the debt that the creditor sought may not be a factor in determining the reasonableness of the award. ~~In the alternative, at the debtor's election, a prevailing debtor must be awarded the amount of attorney's fees that the plaintiff would have been entitled to collect if the plaintiff had been the prevailing party.~~*

Sec. 20. *The provisions of this act apply to contracts entered into on or after October 1, 2019.*

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 312.

AN ACT relating to governmental administration; revising provisions relating to an application for issuance or renewal of a certificate of permission to perform marriages or specific marriages; revising provisions governing certain crimes related to soliciting or influencing marriage on county property or performing marriages; authorizing each county clerk to charge and collect a fee for the filing and recording or issuing of certain documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who is an applicant to become a marriage officiant and who is not otherwise qualified to solemnize a marriage to complete a course for marriage officiants established by a county clerk and pay a certain fee for completing the course. Additionally, existing law requires the county clerk to deposit the fee paid by an applicant for completing such a course in the county treasury to be used for establishing and maintaining a course for marriage officiants. (NRS 122.064) **Section 2** of this bill expands the requirement to take a training course, **if the county clerk has established such a training course**, and pay a fee to any applicant for a certificate of permission to perform marriages or specific marriages. Additionally, **section 2** requires the county clerk to deposit the fees collected from applicants who complete such a course in an account to be used to acquire technology or to improve technology used in the office of the county clerk. (NRS 19.016) **Section 1** of this bill makes a conforming change.

Existing law prohibits any person, while on county property, from soliciting or otherwise influencing, another person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel. (NRS 122.215) **Section 3** of this bill provides for the imposition of a civil penalty of not more than \$500 for each violation. **Section 3** also authorizes a board of county commissioners to enact an ordinance delegating to a hearing officer the authority to determine such violations and levy civil penalties for those violations.

Existing law authorizes the imposition of a civil penalty against any person who knowingly performs a marriage which he or she is not lawfully authorized to perform. (NRS 122.260) **Section 4** of this bill removes the element of knowledge, thereby making a person subject to such a civil penalty regardless of his or her knowledge regarding whether he or she has legal authority to perform the marriage.

Under existing law, in addition to other fees, each county clerk is authorized to charge an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. (NRS 19.013) The proceeds from this additional fee are required to be accounted for separately in the county general fund and used only to acquire technology for or to improve technology used in the office of the county clerk. (NRS 19.016) **Section 5** of this bill authorizes each county clerk to also charge such a fee for filing and recording or issuing a: (1) declaration of candidacy or acceptance of candidacy for a public office; (2) certificate of assumed or fictitious name or renewal thereof; (3) certificate of termination of business or of ownership in a business under the assumed or fictitious name; (4) certificate of permission to perform marriages or a specific marriage; and (5) certified copy or certified abstract of a marriage certificate. **Section 5** requires that the additional fees so collected be used only to acquire technology for or to improve technology used in the office of the county clerk.

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

Section 1. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State, or a marriage officiant may join together in marriage persons who present a marriage license obtained from any county clerk of the State, if the minister, other church or religious official authorized to solemnize a marriage, notary public or marriage officiant first obtains or renews a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other church or religious official authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other church or religious official authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 for a period not to exceed 90 days, if the requirements of this subsection are satisfied. The minister or other church or religious official authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective, and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of \$25.

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage, active or retired, a notary public or person who desires to be a marriage officiant may submit to the county clerk in the county in which a marriage is to be performed an application to perform a specific marriage in the county. The application must:

- (a) Include the full names and addresses of the persons to be married;
- (b) Include the date and location of the marriage ceremony;

(c) Include the information and documents required pursuant to subsection 1 of NRS 122.064;

(d) ~~If the applicant is a person who desires to be a marriage officiant, include~~ **Include** **If the county clerk has established a training course for an applicant seeking to obtain a certificate of permission to perform marriages or a single marriage in this State, include** verification that the applicant has satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064; and

(e) Be accompanied by an application fee of \$25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization or, in the case of a notary public, if the notary public is in good standing with the Secretary of State, ~~for in the case of a person who desires to be a marriage officiant,~~ **and, if the county clerk has established a training course for an applicant seeking to obtain a certificate of permission to perform marriages or a single marriage in this State,** that the ~~person~~ **applicant** satisfied the requirements of paragraph (d) of subsection 1 of NRS 122.064. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. A person may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, other church or religious officials authorized to solemnize a marriage, notaries public or marriage officiants to the same extent as if he or she had obtained a certificate of permission to perform marriages.

~~6. This section must not be construed to allow a county clerk to authorize a marriage officiant person to solemnize a marriage unless the county clerk has established a training course for marriage officiants. a person who is seeking to obtain a certificate of permission to perform marriage or a specific marriage.~~

Sec. 2. NRS 122.064 is hereby amended to read as follows:

122.064 1. A certificate of permission to perform marriages or a renewal of such a certificate may be obtained only from the county clerk of the county in which the minister, other church or religious official authorized to solemnize a marriage, notary public or person who desires to be a marriage officiant resides, after the filing of a proper application. The initial application or application for renewal must:

(a) Be in writing and be verified by the applicant.

(b) If the applicant is a minister or other church or religious official authorized to solemnize a marriage:

(1) Include the date of licensure, ordination or appointment of the minister or other church or religious official authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated; and

(2) Be accompanied by one copy of the affidavit of authority to solemnize marriages described in subsection 5.

(c) If the applicant is a notary public:

(1) Include the date of the appointment of the notary public by the Secretary of State; and

(2) Be accompanied by a verification issued by the Secretary of State within the 3 months immediately preceding the date of the application which states that the applicant has been appointed as a notary public by the Secretary of State pursuant to chapter 240 of NRS and is in good standing with the Secretary of State. The county clerk must refuse to issue a certificate of permission if the appointment of the notary public is suspended or revoked and may refuse to issue a certificate of permission if the notary public has committed any violations of chapter 240 of NRS.

(d) If the ~~applicant is not a minister, other church or religious official authorized to solemnize~~ **county clerk has established a training course for an applicant seeking to obtain a** ~~marriage or notary public but a person who desires to be a~~ **certificate of permission to perform marriages or a single marriage officiant in this State:**

(1) Include an additional fee not to exceed \$100 for ~~the~~ **the** course ; ~~for marriage officiants established by the county clerk;~~ and

(2) Be accompanied by verification that the applicant successfully completed ~~the~~ **the** course . ~~for marriage officiants established by the county clerk;~~

(e) Include the social security number of the applicant.

(f) Be accompanied by an application fee of \$25.

2. To determine the qualifications of any minister, other church or religious official authorized to solemnize a marriage, notary public or person who desires to be a marriage officiant who has filed an application for a certificate of permission, the county clerk with whom the application has been filed may require:

(a) The church or religious organization of the minister or other church or religious official authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) An investigation of the background and present activities of the minister, other church or religious official authorized to solemnize a marriage, notary public or person who desires to be a marriage officiant. The cost of an investigation conducted pursuant to this paragraph must be charged to the applicant.

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

.....
City, State and Zip Code

.....
Telephone Number

Signed and sworn to (or affirmed) before me this..... day of the month of..... of the year.....

.....
Notary Public for
..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing or renewing a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who holds a certificate of permission to perform marriages changes his or her mailing address, the minister, other church or religious official authorized to solemnize a marriage or marriage officiant must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing address within 30 days after the change. If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the ~~county treasury to be used for establishing and maintaining a course for marriage officiants.~~ **account established pursuant to NRS 19.016.**

Sec. 3. NRS 122.215 is hereby amended to read as follows:

122.215 It is unlawful for any county employee, commercial wedding chapel employee or other person to solicit or otherwise influence, while on county property where marriage licenses are issued, any person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel. ***Any person who violates this section is subject to a civil penalty of not more than \$500 for each violation. A board of county commissioners may, at the request of the county clerk, enact an ordinance delegating to a hearing officer the authority to determine violations of this section and to levy civil penalties for such violations.***

Sec. 4. NRS 122.260 is hereby amended to read as follows:

122.260 If any person undertakes to join others in marriage ~~knowing that he or she~~ **and** is not lawfully authorized so to do, or ~~knowing~~ **knows** of the existence of any legal impediment to the proposed marriage, the person shall be punished by a civil penalty of not more than \$1,500. A board of county commissioners may enact an ordinance delegating to a hearing officer the authority to determine violations of this section and to levy civil penalties for those violations.

Sec. 5. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, the county clerk or clerk of the court, as applicable, shall charge and collect the following fees:

- On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer \$56.00
- On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court 42.00
- On the filing of a petition for letters testamentary, letters of administration or setting aside an estate without administration, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:
 - Where the stated value of the estate is more than \$2,500..... 72.00
 - Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.
- On the filing of a petition for a guardianship, to be paid by the petitioner:
 - Where the stated value of the estate is more than \$2,500..... 5.00
 - Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.
- On the filing of a petition to contest any will or codicil, to be paid by the petitioner..... 44.00
- On the filing of an objection or cross-petition to the appointment of an executor or administrator, or an objection to the settlement of account or any answer in an estate matter 44.00
- On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants 44.00
- For filing a notice of appeal 24.00
- For issuing a transcript of judgment and certifying thereto..... 3.00

For preparing any copy of any record, proceeding or paper, for each page, unless such fee is waived by the county clerk or clerk of the court	0.50
For each certificate of the clerk, under the seal of the court.....	3.00
For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for a certificate of the county clerk or clerk of the court	5.00
For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise provided for	6.00
For searching records or files in the office of the county clerk or clerk of the court, for each year, unless such fee is waived by the county clerk or clerk of the court, as applicable.....	0.50
For filing and recording a bond of a notary public, per name	15.00
For entering the name of a firm or corporation in the register of the county clerk	20.00

2. ~~{A}~~ ***Except as otherwise provided in subsection 2 of NRS 246.180 or by specific statute, a county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording or issuing a ~~bond~~:***

- (a) ***Bond*** of a notary public, per name~~{}~~;
- (b) ***Declaration of candidacy or acceptance of candidacy for a public office;***
- (c) ***Certificate of assumed or fictitious name or renewal thereof as required pursuant to NRS 602.020;***
- (d) ***Certificate of termination of business or of ownership in a business under an assumed or fictitious name as required pursuant to NRS 602.055;***
- (e) ***Certificate of permission to perform marriages or a specific marriage;***
- and***
- (f) ***Certified copy or certified abstract of a marriage certificate.***

3. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to ~~this~~ subsection 2 for credit to the account established pursuant to NRS 19.016.

~~{3}~~ 4. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk or clerk of the court, as applicable.

~~{4}~~ 5. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk or clerk of the court, as applicable, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

~~5-1~~ 6. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

~~6-1~~ 7. Notwithstanding any other provision of law, no fee may be charged or collected for the filing of a petition for a guardianship other than the fee established in subsection 1.

~~7-1~~ 8. Each county clerk and clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 6. 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. 485.

Bill read second time.

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

Amendment No. 397.

AN ACT relating to electric foot scooters; enacting certain provisions relating to the operation of electric foot scooters; authorizing certain local authorities to regulate scooter-share programs whereby electric foot scooters are made available for hire; authorizing such local authorities to impose a fee for such scooter-share programs; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, persons riding bicycles and electric bicycles are provided with certain protections and subject to certain duties and responsibilities when operating on the highways of this State. (NRS 484B.760-484B.783) **Sections 35-44** of this bill add to those provisions "electric foot scooters," which are defined in **sections 1, 15 and 23** of this bill as a vehicle with handlebars and an electric motor that is designed to be ridden in an upright position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle: (1) must not weigh more than 100 pounds without a rider; and (2) must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

Section 9 of this bill exempts electric foot scooters from the requirements for a motor vehicle to be registered with the Department of Motor Vehicles, and **sections 10-13** of this bill exempt the rider of an electric foot scooter from the requirement for a driver's license. **Section 23** of this bill ~~requires~~ **provides that** the rider of an electric foot scooter ~~to be at least 16 years of age,~~ **has the same rights and duties as the rider of a bicycle or electric bicycle, and that an electric foot scooter is subject to all the provisions of**

law applicable to bicycles and electric bicycles except those provisions which by their nature can have no application.

Section 16 of this bill authorizes local authorities in this State to adopt ordinances regulating the time, place and manner of operation of electric foot scooters. **Section 16** also authorizes those local authorities to adopt ordinances to allow and regulate the operation of a scooter-share program for electric foot scooters by a scooter-share operator. Such ordinances may, without limitation: (1) impose a reasonable fee on a scooter-share operator; (2) subject the scooter-share programs and scooter-share operators to various obligations, requirements and restrictions; and (3) require the local authority to undertake certain obligations and duties. Certain data provided to the local authorities is confidential, as proprietary or a trade secret, and **section 48** of this bill makes a conforming change to the public records provision in existing law. (NRS 239.010) **Section 16 also prohibits a scooter-share operator from allowing a person who is under 16 years of age to operate a shared scooter, and requires the operator to maintain certain insurance coverages.**

The remaining sections of this bill make various conforming changes and add electric foot scooters to various provisions concerning bicycles and electric bicycles.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

“Electric foot scooter” means a vehicle:

- 1. With handlebars and an electric motor that is designed to be ridden on in an upright position and is propelled by its electric motor or by propulsion provided by the rider;*
- 2. That does not weigh more than 100 pounds without a rider; and*
- 3. That has a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.*

Sec. 2. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 3. NRS 482.0287 is hereby amended to read as follows:

482.0287 “Electric bicycle” means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

↪ The term does not include a moped ~~†~~ **or an electric foot scooter.**

Sec. 4. NRS 482.069 is hereby amended to read as follows:

482.069 “Moped” means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

↪ The term does not include an electric bicycle ~~†~~ **or an electric foot scooter.**

Sec. 5. NRS 482.070 is hereby amended to read as follows:

482.070 “Motorcycle” means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term “electric bicycle,” “*electric foot scooter*,” “tractor” or “moped” as defined in this chapter.

Sec. 6. NRS 482.075 is hereby amended to read as follows:

482.075 “Motor vehicle” means every vehicle as defined in NRS 482.135 which is self-propelled. ***The term does not include an electric foot scooter.***

Sec. 7. NRS 482.087 is hereby amended to read as follows:

482.087 “Passenger car” means a motor vehicle designed for carrying 10 persons or less, except a motorcycle, an electric bicycle, ***an electric foot scooter*** or a moped.

Sec. 8. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, “vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;

2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;

~~†~~

3. Electric personal assistive mobility devices ~~†~~; **or**

4. *Electric foot scooters.*

Sec. 9. NRS 482.210 is hereby amended to read as follows:

482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:

(a) Special mobile equipment.

(b) Implements of husbandry.

(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.

(d) Electric bicycles.

(e) Golf carts which are:

(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and

(2) Operating pursuant to a permit issued pursuant to this chapter.

(f) Towable tools or equipment as defined in NRS 484D.055.

(g) Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.

(h) *Electric foot scooters.*

2. For the purposes of this section, “motorized conveyance for a wheelchair” means a vehicle which:

(a) Can carry a wheelchair;

(b) Is propelled by an engine which produces not more than 3 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 2250 watts final output;

(c) Is designed to travel on not more than three wheels; and

(d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.

↪ The term does not include a tractor.

Sec. 10. NRS 483.067 is hereby amended to read as follows:

483.067 “Electric bicycle” means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

↪ The term does not include a moped ~~or~~ ***or an electric foot scooter, as defined in section 1 of this act.***

Sec. 11. NRS 483.088 is hereby amended to read as follows:

483.088 “Moped” means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

↪ The term does not include an electric bicycle ~~or~~ ***or an electric foot scooter, as defined in section 1 of this act.***

Sec. 12. NRS 483.090 is hereby amended to read as follows:

483.090 “Motor vehicle” means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. “Motor vehicle” includes a moped. The term does not include an electric bicycle ~~††~~ ***or an electric foot scooter, as defined in section 1 of this act.***

Sec. 13. NRS 483.190 is hereby amended to read as follows:

483.190 “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except:

1. Devices moved by human power or used exclusively upon stationary rails or tracks; ~~†and†~~

2. Electric personal assistive mobility devices as defined in NRS 482.029 ~~††~~; ***and***

3. ***An electric foot scooter, as defined in section 1 of this act.***

Sec. 14. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. ***“Electric foot scooter” means a vehicle with handlebars and an electric motor that is designed to be ridden on in an upright position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle:***

1. ***Must not weigh more than 100 pounds without a rider; and***

2. ***Must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.***

Sec. 16. 1. ***A local authority may adopt, to protect the health and safety of the public, an ordinance which regulates the time, place and manner of operation of electric foot scooters in the jurisdiction of the local authority ~~†, including,†~~ in a manner that is generally consistent with such regulation of bicycles and electric bicycles and which may, without limitation ~~†by†~~:***

(a) ~~†Prohibiting†~~ ***Prohibit the use of an electric foot scooter in a specified area or areas of the jurisdiction; or***

(b) ~~†Establishing†~~ ***Establish a speed limit for electric foot scooters operating on sidewalks in the jurisdiction.***

2. ***A local authority may by ordinance regulate the operation of a scooter-share program in the jurisdiction of the local authority.***

3. ***An ordinance enacted pursuant to subsection 2 may:***

(a) ***Require a scooter-share operator to pay a reasonable fee for the privilege of operating a scooter-share program, provided that such fee does not exceed the cost to the local authority for regulating the scooter-share program.***

(b) ***Require a scooter-share operator to indemnify the local authority against claims, losses, liabilities, damages, costs and attorney’s fees arising out of any negligent act, error, omission or willful misconduct by a scooter-share operator or its officers or employees, except for those claims, losses,***

liabilities, damages, costs and attorney's fees which arise out of the negligence of the local authority.

(c) Except as otherwise provided in subsection 1, designate locations where a scooter-share operator may not stage shared scooters, provided that at least one such staging location must be allowed on each side of each city block in any commercial zone or business district in the jurisdiction of the local authority.

(d) Enact or identify moving or parking violations specific to shared scooters and assessing penalties for such violations, to be enforced against the person responsible for the violation, provided that such penalties do not exceed those imposed, if any, for similar violations by the rider of a bicycle.

(e) Require a scooter-share operator to provide to the local authority trip data for all trips starting or ending in the jurisdiction of the local authority on each shared scooter of the scooter-share operator or any person or company controlled by, controlling or under common control with the scooter-share operator. To ensure privacy, such trip data must be:

(1) Provided via an application programming interface, subject to the scooter-share operator's license agreement for the interface;

(2) Subject to a publicly available privacy policy of the local authority or a designee of the local authority, disclosing what data is collected and how the data is used or shared with third parties;

(3) Safely and securely stored by the local authority, which must implement reasonable administrative, physical and technical safeguards to protect, secure and, if applicable, encrypt or otherwise limit access to the data;

(4) Except as otherwise provided in subparagraphs (5) and (6), treated by the local authority as personal, proprietary business information and trade secret of the scooter-share operator, exempt from public disclosure pursuant to any public records request, deemed confidential and not a public record for the purposes of chapter 239 of NRS and not considered property of the local authority;

(5) Shared with law enforcement agencies only pursuant to valid legal process; and

(6) Shared with third parties only with the consent of the scooter-share operator, except that, for the purposes of subparagraph (1), the local authority may, upon a showing of legitimate necessity, designate a third party to receive trip data from the scooter-share operator if the third party is in privity with the local authority and agrees to the requirements of this paragraph.

4. An ordinance enacted pursuant to subsection 2 may not ~~f~~

~~*(a) Impose any unduly restrictive requirements on a scooter share operator or a scooter share program, including, without limitation, requirements that would result in a scooter share program operating below its costs; or*~~

~~(b) Except~~, except as required to protect the health and safety of the public or as otherwise provided in subsection 1, subject customers of a scooter-share program to requirements more restrictive than those applicable to riders of bicycles or electric bicycles.

5. An ordinance enacted pursuant to subsection 2 must:

(a) Prohibit a scooter-share operator from allowing a person who is under 16 years of age to operate a shared scooter.

(b) Require a scooter-share operator to maintain:

(1) Commercial general liability insurance coverage, including for medical payments, in an amount of not less than \$1,000,000 for each occurrence and \$5,000,000 in the aggregate, covering all occurrences commonly insured against for bodily injury and property damage arising out of or in connection with the use of an electric foot scooter;

(2) Casualty insurance with a combined single limit of not less than \$1,000,000 that covers the use and operation of an electric foot scooter and meets the requirements of chapter 690B of NRS;

(3) An umbrella or excess policy with a limit of not less than \$5,000,000 for each occurrence and \$5,000,000 in the aggregate, protecting the scooter-share operator against a loss in excess of the state amounts of coverages as required in subparagraphs (1) and (2); and

(4) If the scooter-share operator has employees, industrial insurance as required pursuant to chapters 616A to 617, inclusive, of NRS.

6. As used in this section:

(a) “Scooter-share operator” means a person offering shared scooters for hire through a scooter-share program.

(b) “Scooter-share program” means the offering of shared scooters for hire.

(c) “Shared scooter” means an electric foot scooter offered for hire as part of a scooter-share program.

(d) “Trip data” means all data elements related to the use of a shared scooter by a customer of a scooter-share program, including, without limitation, route data, GPS information and timestamps.

Sec. 17. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, **and section 15 of this act** have the meanings ascribed to them in those sections.

Sec. 18. NRS 484A.125 is hereby amended to read as follows:

484A.125 “Moped” means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

↪ The term does not include an electric bicycle ~~†~~ **or an electric foot scooter.**

Sec. 19. NRS 484A.130 is hereby amended to read as follows:

484A.130 “Motor vehicle” means every vehicle which is self-propelled but not operated upon rails. ***The term does not include an electric foot scooter.***

Sec. 20. NRS 484A.320 is hereby amended to read as follows:

484A.320 “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except:

1. Devices moved by human power or used exclusively upon stationary rails; ~~and~~

2. Electric personal assistive mobility devices as defined in NRS 482.029 ~~†~~; **and**

3. An electric foot scooter.

Sec. 21. NRS 484A.420 is hereby amended to read as follows:

484A.420 1. Except as otherwise provided in subsection 3, a local authority may adopt, by ordinance, regulations with respect to highways under its jurisdiction within the reasonable exercise of the police power:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction.

(c) Designating any highway as a through highway, requiring that all vehicles stop before entering or crossing the highway, or designating any intersection as a stop or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to the intersection.

(d) Designating truck, bicycle, ~~and~~ electric bicycle **and electric foot scooter** routes.

(e) Adopting such other traffic regulations related to specific highways as are expressly authorized by chapters 484A to 484E, inclusive, of NRS.

2. An ordinance relating to traffic control enacted under this section is not effective until official devices for traffic control giving notice of those local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as is most appropriate.

3. An ordinance enacted under this section is not effective with respect to:

(a) Highways constructed and maintained by the Department of Transportation under the authority granted by chapter 408 of NRS; or

(b) Alternative routes for the transport of radioactive, chemical or other hazardous materials which are governed by regulations of the United States Department of Transportation,

↪ until the ordinance has been approved by the Board of Directors of the Department of Transportation.

4. As used in this section, “hazardous material” has the meaning ascribed to it in NRS 459.7024.

Sec. 22. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. *“Electric foot scooter” means a vehicle with handlebars and an electric motor that is designed to be ridden on in an upright position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle:*

1. *Must not weigh more than 100 pounds without a rider; and*
2. *Must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.*

Sec. 24. 1. ~~A person must be at least 16 years of age to ride an electric foot scooter.~~

~~2.~~ *Except as otherwise provided in an ordinance enacted pursuant to section 16 of this act, an electric foot scooter may be operated:*

(a) On a roadway, bicycle lane, path or route at a speed of not more than 15 miles per hour; and

(b) On a sidewalk and other pedestrian areas ~~+~~ at a speed that does not exceed the limit set in an ordinance enacted pursuant to section 16 of this act, if any.

2. Except as otherwise provided in a specific statute or an ordinance enacted pursuant to section 16 of this act:

(a) An electric foot scooter is subject to all the provisions of law applicable to bicycles and electric bicycles except those provisions which by their nature can have no application; and

(b) A person operating an electric foot scooter has the same rights and duties as a person operating a bicycle or an electric bicycle, except for those rights and duties which by their nature can have no application.

Sec. 25. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, *and section 23 of this act*, have the meanings ascribed to them in those sections.

Sec. 26. NRS 484B.017 is hereby amended to read as follows:

484B.017 “Electric bicycle” means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

↪ The term does not include a moped ~~+~~ *or an electric foot scooter.*

Sec. 27. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle , ~~for~~ an electric bicycle ~~or~~ **or an electric foot scooter.**

2. When overtaking or passing a bicycle ~~or~~ , **an** electric bicycle **or an electric foot scooter** proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or

(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle , ~~for~~ electric bicycle **or electric foot scooter** at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle , ~~for~~ electric bicycle ~~or~~ **electric foot scooter** and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle , ~~for~~ electric bicycle ~~or~~ **electric foot scooter.**

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle , ~~for~~ an electric bicycle **or an electric foot scooter** or a pedestrian as provided in subsection 6 of NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles , ~~for~~ electric bicycles **or electric foot scooters** except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles , ~~for~~ electric bicycles ~~or~~ **electric foot scooters.**

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle , ~~for~~ an electric bicycle ~~or~~ **an electric foot scooter;** and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

7. The operator of a bicycle , ~~for~~ an electric bicycle **or an electric foot scooter** shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 28. NRS 484B.297 is hereby amended to read as follows:

484B.297 1. Except as otherwise provided in subsection 6, where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent highway.

2. Except as otherwise provided in subsection 6, pedestrians walking along highways where sidewalks are not provided shall walk on the left side of those highways facing the approaching traffic.

3. A person shall not stand in a highway to solicit a ride or any business from the driver or any occupant of a vehicle. A person shall not, without a permit issued pursuant to NRS 244.3555 or 268.423, solicit any contribution from the driver or any occupant of a vehicle.

4. It is unlawful for any pedestrian who is under the influence of intoxicating liquors or any narcotic or stupefying drug to be within the traveled portion of any highway.

5. The provisions of this section apply to riders of animals, except that the provisions of subsections 1, 2 and 3 do not apply to a peace officer who rides an animal while performing his or her duties as a peace officer.

6. A pedestrian walking or otherwise traveling on a sidewalk who encounters an obstruction to his or her mobility on the sidewalk, including, without limitation, a short section of the sidewalk that is missing or impassable, may proceed with due care on the immediately adjacent highway to move around such an obstruction. Such a pedestrian:

(a) Must walk or otherwise travel as far to the side of the highway near the sidewalk as possible;

(b) May walk or otherwise travel on the highway in the direction he or she was walking or traveling on the sidewalk, regardless of the direction of traffic;

(c) May walk or otherwise travel in a lane provided for bicycles, ~~for~~ electric bicycles *or electric foot scooters* if the area between the lane and the sidewalk is impassable; and

(d) Must return to the sidewalk as soon as practicable.

7. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 29. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:

(a) Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic must yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as otherwise provided in paragraphs (c) and (d), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle, ~~or~~ an electric bicycle *or an electric foot scooter* may proceed straight through or turn right or left if:

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle, ~~or~~ electric bicycle ~~or~~ *or electric foot scooter*;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

9. Where the signal is a steady red with a green turn arrow:

(a) Except as otherwise provided in paragraph (b), vehicular traffic facing the signal may enter the intersection only to make the movement indicated by

the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) A person driving a motorcycle, moped or trimobile or riding a bicycle, ~~for~~ an electric bicycle **or an electric foot scooter** facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle, ~~for~~ electric bicycle ~~for~~ **or electric foot scooter**;

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

10. If a person violates paragraph (d) of subsection 8 or paragraph (b) of subsection 9 and that violation results in an injury to another person, the violation creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.

11. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

12. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

13. A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an

intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

14. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.135.

Sec. 30. NRS 484B.350 is hereby amended to read as follows:

484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

4. As used in this section, “school crossing guard” means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 31. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:

- (a) When there are no children present;
- (b) On a day on which school is not in session;
- (c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (d) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (e) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

- (a) On a day on which the school is not in session;
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

6. Each such governing body and the Department of Transportation shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

8. If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

9. As used in this section, “speed limit beacon” means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 32. NRS 484B.450 is hereby amended to read as follows:

484B.450 1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, in any of the following places:

- (a) ~~On~~ **Except as otherwise provided in subsection 3, on** a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;
- (e) On a crosswalk;
- (f) Within 20 feet of a crosswalk;
- (g) Within 30 feet upon the approach to any official traffic-control signal located at the side of a highway;
- (h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;
- (i) Within 50 feet of the nearest rail of a railroad;
- (j) Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;
- (k) Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (l) On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;
- (m) Upon any bridge or other elevated structure or within a highway tunnel;
- (n) Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and
- (o) At any place where official traffic-control devices prohibit stopping, standing or parking.

2. The provisions of paragraph (n) of subsection 1 do not apply to a person operating a vehicle of the United States Postal Service if the vehicle is being operated for the official business of the United States Postal Service.

3. **A person may park a bicycle, an electric bicycle or an electric foot scooter on a sidewalk provided that the bicycle, electric bicycle or electric foot scooter does not impede the normal and reasonable movement of pedestrians on the sidewalk.**

4. A person shall not move a vehicle not owned by the person into any prohibited area or away from a curb to a distance which is unlawful.

~~4.1~~ 5. A local authority may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking is dangerous to those using the highway or where the vehicles which are stopping, standing or parking would unduly interfere with the free movement of traffic. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.

Sec. 33. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 34. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

↪ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

7. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 35. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive ~~†~~ , **and section 24 of this act.**

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles , ~~and~~ electric bicycles **and electric foot scooters** apply whenever a bicycle , ~~or~~ an electric bicycle **or an electric foot scooter** is operated upon any highway or upon any path set aside for the exclusive use of bicycles , ~~or~~ electric bicycles **and electric foot scooters** subject to those exceptions stated herein.

Sec. 36. NRS 484B.763 is hereby amended to read as follows:

484B.763 Every person riding a bicycle , ~~or~~ an electric bicycle **or an electric foot scooter** upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle except as otherwise provided in NRS 484B.767 to 484B.783, inclusive, **and section 24 of this act** and except as to those provisions of chapters 484A to 484E, inclusive, of NRS which by their nature can have no application.

Sec. 37. NRS 484B.767 is hereby amended to read as follows:

484B.767 1. Except as otherwise provided in this section, a peace officer, a firefighter, an emergency medical technician, an advanced emergency medical technician or a paramedic certified pursuant to chapter 450B of NRS or an employee of a pedestrian mall, who operates a bicycle ,

~~for~~ an electric bicycle *or an electric foot scooter* while on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* while on duty if he or she:

- (a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or
- (b) Determines that noncompliance with any such provision is necessary to carry out his or her duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, firefighter, emergency medical technician, advanced emergency medical technician, paramedic or employee of a pedestrian mall from the duty to operate a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* with due regard for the safety of others.

(b) Protect such a person from the consequences of the person's disregard for the safety of others.

3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 38. NRS 484B.768 is hereby amended to read as follows:

484B.768 1. Except as otherwise provided in subsection 2, an operator of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* upon a roadway shall not turn from a direct course unless the movement may be made with reasonable safety and the operator gives an appropriate signal. The operator shall give the appropriate signal at least one time but is not required to give the signal continuously.

2. An operator of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* is not required to give a signal if:

- (a) The bicycle, ~~for~~ electric bicycle *or electric foot scooter* is in a designated turn lane; or
- (b) Safe operation of the bicycle, ~~for~~ electric bicycle *or electric foot scooter* requires the operator to keep both hands on the bicycle, ~~for~~ electric bicycle *or electric foot scooter*.

Sec. 39. NRS 484B.769 is hereby amended to read as follows:

484B.769 An operator of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* upon a roadway shall give all signals by hand and arm in the manner required by NRS 484B.420, except that the operator may give a signal for a right turn by extending his or her right hand and arm horizontally and to the right side of the bicycle, ~~for~~ electric bicycle *or electric foot scooter*.

Sec. 40. NRS 484B.770 is hereby amended to read as follows:

484B.770 1. A person propelling a bicycle or an electric bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

2. No bicycle, ~~for~~ electric bicycle *or electric foot scooter* shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 41. NRS 484B.773 is hereby amended to read as follows:

484B.773 No person riding upon any bicycle, electric bicycle, *electric foot scooter*, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

Sec. 42. NRS 484B.777 is hereby amended to read as follows:

484B.777 1. Every person operating a bicycle, ~~or~~ an electric bicycle *or electric foot scooter* upon a roadway shall, except:

(a) When traveling at a lawful rate of speed commensurate with the speed of any nearby traffic;

(b) When preparing to turn left; or

(c) When doing so would not be safe,

↪ ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

2. Persons riding bicycles, ~~or~~ electric bicycles *or electric foot scooters* upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, ~~or~~ electric bicycles ~~and~~ *and electric foot scooters*.

Sec. 43. NRS 484B.780 is hereby amended to read as follows:

484B.780 No person operating a bicycle, ~~or~~ an electric bicycle *or an electric foot scooter* shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Sec. 44. NRS 484B.783 is hereby amended to read as follows:

484B.783 1. Every bicycle, ~~or~~ electric bicycle *or electric foot scooter* when in use at night must be equipped with:

(a) A lamp on the front which emits a white light visible from a distance of at least 500 feet to the front;

(b) A red reflector on the rear of a type approved by the Department which must be visible from 50 feet to 300 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle; and

(c) Reflective material of a sufficient size and reflectivity to be visible from both sides of the bicycle for 600 feet when directly in front of the lawful lower beams of the headlamps of a motor vehicle, or in lieu of such material, a lighted lamp visible from both sides from a distance of at least 500 feet.

2. Every bicycle, ~~or~~ electric bicycle *or electric foot scooter* must be equipped with a brake which will enable the operator to make the wheels skid on dry, level, clean pavement.

Sec. 45. NRS 486.038 is hereby amended to read as follows:

486.038 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

↪ The term does not include an electric bicycle as defined in NRS 483.067 ~~or an electric foot scooter as defined in section 1 of this act.~~

Sec. 46. NRS 486.041 is hereby amended to read as follows:

486.041 “Motorcycle” means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS 483.067, *an electric foot scooter as defined in section 1 of this act*, a tractor and a moped.

Sec. 47. NRS 486A.110 is hereby amended to read as follows:

486A.110 “Motor vehicle” means every vehicle which is self-propelled, but not operated on rails, used upon a highway for the purpose of transporting persons or property. The term does not include:

1. An electric bicycle as defined in NRS 483.067;
2. *An electric foot scooter as defined in section 1 of this act*;
3. A farm tractor as defined in NRS 482.035;
- ~~3~~ 4. A moped as defined in NRS 482.069;
- ~~4~~ 5. A motorcycle as defined in NRS 482.070; and
- ~~5~~ 6. A vehicle having a manufacturer’s gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers.

Sec. 48. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 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 16 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise

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

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate 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. 49. NRS 205.2741 is hereby amended to read as follows:

205.2741 1. It is unlawful for any person:

(a) To throw any stone, rock, missile or any substance at any bicycle, *electric foot scooter as defined in section 1 of this act*, or at any motorbus, truck or other motor vehicle; or

(b) Wrongfully to injure, deface or damage any bicycle, or any motorbus, truck or other motor vehicle, or any part thereof.

2. Any person who violates any of the provisions of subsection 1 is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged and in no event less than a misdemeanor.

Sec. 50. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.
Remarks by Assemblywoman Monroe-Moreno.
Amendment adopted.

The following amendment was proposed by Assemblywoman Monroe-Moreno:

Amendment No. 565.

AN ACT relating to electric foot scooters; enacting certain provisions relating to the operation of electric foot scooters; authorizing certain local authorities to regulate scooter-share programs whereby electric foot scooters are made available for hire; authorizing such local authorities to impose a fee for such scooter-share programs; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, persons riding bicycles and electric bicycles are provided with certain protections and subject to certain duties and responsibilities when operating on the highways of this State. (NRS 484B.760-484B.783) **Sections 35-44** of this bill add to those provisions "electric foot scooters," which are defined in **sections 1, 15 and 23** of this bill as a vehicle with handlebars and an electric motor that is designed to be ridden in an upright position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle: (1) must not weigh more than 100 pounds without a rider; and (2) must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

Section 9 of this bill exempts electric foot scooters from the requirements for a motor vehicle to be registered with the Department of Motor Vehicles, and **sections 10-13** of this bill exempt the rider of an electric foot scooter from the requirement for a driver's license. **Section 23** of this bill requires the rider of an electric foot scooter to be at least 16 years of age.

Section 16 of this bill authorizes local authorities in this State to adopt ordinances regulating the time, place and manner of operation of electric foot scooters. **Section 16** also authorizes those local authorities to adopt ordinances to allow and regulate the operation of a scooter-share program by a scooter-share operator. Such ordinances may, without limitation: (1) impose a reasonable fee on a scooter-share operator; (2) subject the scooter-share programs and scooter-share operators to various obligations, requirements and restrictions; and (3) require the local authority to undertake certain obligations and duties. Certain data provided to the local authorities is confidential, as proprietary or a trade secret, and **section 48** of this bill makes a conforming change to the public records provision in existing law. (NRS 239.010) **Section 16 also prohibits a scooter-share operator or a scooter-share customer from allowing a person who is under 16 years of age to operate a shared scooter. A violation is punishable by the imposition of a civil penalty of \$250.**

The remaining sections of this bill make various conforming changes and add electric foot scooters to various provisions concerning bicycles and electric bicycles.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

“Electric foot scooter” means a vehicle:

- 1. With handlebars and an electric motor that is designed to be ridden on in an upright position and is propelled by its electric motor or by propulsion provided by the rider;***
- 2. That does not weigh more than 100 pounds without a rider; and***
- 3. That has a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.***

Sec. 2. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 482.0287 is hereby amended to read as follows:

482.0287 “Electric bicycle” means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

- 1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and***
- 2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.***

↪ The term does not include a moped ***†† or an electric foot scooter.***

Sec. 4. NRS 482.069 is hereby amended to read as follows:

482.069 “Moped” means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

- 1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and***
- 2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.***

↪ The term does not include an electric bicycle ***†† or an electric foot scooter.***

Sec. 5. NRS 482.070 is hereby amended to read as follows:

482.070 “Motorcycle” means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle

as may be included within the term “electric bicycle,” “*electric foot scooter*,” “tractor” or “moped” as defined in this chapter.

Sec. 6. NRS 482.075 is hereby amended to read as follows:

482.075 “Motor vehicle” means every vehicle as defined in NRS 482.135 which is self-propelled. ***The term does not include an electric foot scooter.***

Sec. 7. NRS 482.087 is hereby amended to read as follows:

482.087 “Passenger car” means a motor vehicle designed for carrying 10 persons or less, except a motorcycle, an electric bicycle, ***an electric foot scooter*** or a moped.

Sec. 8. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, “vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;
2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;
3. Electric personal assistive mobility devices ~~+~~; ***or***

4. *Electric foot scooters.*

Sec. 9. NRS 482.210 is hereby amended to read as follows:

482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:

- (a) Special mobile equipment.
- (b) Implements of husbandry.
- (c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.
- (d) Electric bicycles.
- (e) Golf carts which are:
 - (1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and
 - (2) Operating pursuant to a permit issued pursuant to this chapter.
- (f) Towable tools or equipment as defined in NRS 484D.055.
- (g) Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.

(h) *Electric foot scooters.*

2. For the purposes of this section, “motorized conveyance for a wheelchair” means a vehicle which:

- (a) Can carry a wheelchair;
- (b) Is propelled by an engine which produces not more than 3 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 2250 watts final output;
- (c) Is designed to travel on not more than three wheels; and
- (d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.

→ The term does not include a tractor.

Sec. 10. NRS 483.067 is hereby amended to read as follows:

483.067 “Electric bicycle” means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

↪ The term does not include a moped ~~††~~ **or an electric foot scooter, as defined in section 1 of this act.**

Sec. 11. NRS 483.088 is hereby amended to read as follows:

483.088 “Moped” means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

↪ The term does not include an electric bicycle ~~††~~ **or an electric foot scooter, as defined in section 1 of this act.**

Sec. 12. NRS 483.090 is hereby amended to read as follows:

483.090 “Motor vehicle” means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. “Motor vehicle” includes a moped. The term does not include an electric bicycle ~~††~~ **or an electric foot scooter, as defined in section 1 of this act.**

Sec. 13. NRS 483.190 is hereby amended to read as follows:

483.190 “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except:

1. Devices moved by human power or used exclusively upon stationary rails or tracks; ~~†and†~~

2. Electric personal assistive mobility devices as defined in NRS 482.029 ~~††~~; **and**

3. **An electric foot scooter, as defined in section 1 of this act.**

Sec. 14. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. **“Electric foot scooter” means a vehicle with handlebars and an electric motor that is designed to be ridden on in an upright position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle:**

1. *Must not weigh more than 100 pounds without a rider; and*
2. *Must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.*

Sec. 16. 1. *A local authority may adopt, to protect the health and safety of the public, an ordinance which regulates the time, place and manner of operation of electric foot scooters in the jurisdiction of the local authority, including, without limitation, by:*

(a) *Prohibiting the use of an electric foot scooter in a specified area or areas of the jurisdiction; or*

(b) *Establishing a speed limit for electric foot scooters operating in the jurisdiction.*

2. *A local authority may by ordinance regulate the operation of a scooter-share program in the jurisdiction of the local authority.*

3. *An ordinance enacted pursuant to subsection 2 may:*

(a) *Require a scooter-share operator to pay a reasonable fee for the privilege of operating a scooter-share program, provided that such fee does not exceed the cost to the local authority for regulating the scooter-share program.*

(b) *Require a scooter-share operator to indemnify the local authority against claims, losses, liabilities, damages, costs and attorney's fees arising out of any negligent act, error, omission or willful misconduct by a scooter-share operator or its officers or employees, except for those claims, losses, liabilities, damages, costs and attorney's fees which arise out of the negligence of the local authority.*

(c) *Except as otherwise provided in subsection 1, designate locations where a scooter-share operator may not stage shared scooters, provided that at least one such staging location must be allowed on each side of each city block in any commercial zone or business district in the jurisdiction of the local authority.*

(d) ~~Enact~~ *Except as otherwise provided in subsection 5, enact or identify moving or parking violations specific to shared scooters and assessing penalties for such violations, to be enforced against the person responsible for the violation, provided that such penalties do not exceed those imposed, if any, for similar violations by the rider of a bicycle.*

(e) *Require a scooter-share operator to provide to the local authority trip data for all trips starting or ending in the jurisdiction of the local authority on each shared scooter of the scooter-share operator or any person or company controlled by, controlling or under common control with the scooter-share operator. To ensure privacy, such trip data must be:*

(1) *Provided via an application programming interface, subject to the scooter-share operator's license agreement for the interface;*

(2) *Subject to a publicly available privacy policy of the local authority or a designee of the local authority, disclosing what data is collected and how the data is used or shared with third parties;*

(3) Safely and securely stored by the local authority, which must implement reasonable administrative, physical and technical safeguards to protect, secure and, if applicable, encrypt or otherwise limit access to the data;

(4) Except as otherwise provided in subparagraphs (5) and (6), treated by the local authority as personal, proprietary business information and trade secret of the scooter-share operator, exempt from public disclosure pursuant to any public records request, and not considered property of the local authority;

(5) Shared with law enforcement agencies only pursuant to valid legal process; and

(6) Shared with third parties only with the consent of the scooter-share operator, except that, for the purposes of subparagraph (1), the local authority may, upon a showing of legitimate necessity, designate a third party to receive trip data from the scooter-share operator if the third party is in privity with the local authority and agrees to the requirements of this paragraph.

4. An ordinance enacted pursuant to subsection 2 may not:

(a) Impose any unduly restrictive requirements on a scooter-share operator or a scooter-share program, including, without limitation, requirements that would result in a scooter-share program operating below its costs; or

(b) Except as otherwise provided in ~~subsection~~ subsections 1 ~~and~~ 5, subject customers of a scooter-share program to requirements more restrictive than those applicable to riders of bicycles or electric bicycles.

5. An ordinance enacted pursuant to subsection 2 must:

(a) Prohibit a scooter-share operator from allowing a person who is under 16 years of age to operate a shared scooter;

(b) Prohibit a person who is a customer of a scooter-share operator from allowing a person who is under 16 years of age to operate a shared scooter;

(c) Provide that a violation of paragraph (a) or (b) is:

(1) Not a misdemeanor; and

(2) Punishable by the imposition of a civil penalty of \$250.

6. As used in this section:

(a) “Scooter-share operator” means a person offering shared scooters for hire through a scooter-share program.

(b) “Scooter-share program” means the offering of shared scooters for hire.

(c) “Shared scooter” means an electric foot scooter offered for hire as part of a scooter-share program.

(d) “Trip data” means all data elements related to the use of a shared scooter by a customer of a scooter-share program, including, without limitation, route data, GPS information and timestamps.

Sec. 17. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, **and section 15 of this act** have the meanings ascribed to them in those sections.

Sec. 18. NRS 484A.125 is hereby amended to read as follows:

484A.125 “Moped” means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and
2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

↪ The term does not include an electric bicycle ~~†~~ **or an electric foot scooter.**

Sec. 19. NRS 484A.130 is hereby amended to read as follows:

484A.130 “Motor vehicle” means every vehicle which is self-propelled but not operated upon rails. **The term does not include an electric foot scooter.**

Sec. 20. NRS 484A.320 is hereby amended to read as follows:

484A.320 “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except:

1. Devices moved by human power or used exclusively upon stationary rails; ~~and†~~

2. Electric personal assistive mobility devices as defined in NRS 482.029 ~~†~~; **and**

3. **An electric foot scooter.**

Sec. 21. NRS 484A.420 is hereby amended to read as follows:

484A.420 1. Except as otherwise provided in subsection 3, a local authority may adopt, by ordinance, regulations with respect to highways under its jurisdiction within the reasonable exercise of the police power:

- (a) Regulating or prohibiting processions or assemblages on the highways.
- (b) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction.
- (c) Designating any highway as a through highway, requiring that all vehicles stop before entering or crossing the highway, or designating any intersection as a stop or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to the intersection.
- (d) Designating truck, bicycle, ~~and†~~ electric bicycle **and electric foot scooter** routes.

(e) Adopting such other traffic regulations related to specific highways as are expressly authorized by chapters 484A to 484E, inclusive, of NRS.

2. An ordinance relating to traffic control enacted under this section is not effective until official devices for traffic control giving notice of those local

traffic regulations are posted upon or at the entrances to the highway or part thereof affected as is most appropriate.

3. An ordinance enacted under this section is not effective with respect to:

(a) Highways constructed and maintained by the Department of Transportation under the authority granted by chapter 408 of NRS; or

(b) Alternative routes for the transport of radioactive, chemical or other hazardous materials which are governed by regulations of the United States Department of Transportation,

↪ until the ordinance has been approved by the Board of Directors of the Department of Transportation.

4. As used in this section, “hazardous material” has the meaning ascribed to it in NRS 459.7024.

Sec. 22. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. *“Electric foot scooter” means a vehicle with handlebars and an electric motor that is designed to be ridden on in an upright position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle:*

1. Must not weigh more than 100 pounds without a rider; and

2. Must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

Sec. 24. 1. *A person must be at least 16 years of age to ride an electric foot scooter.*

2. Except as otherwise provided in an ordinance enacted pursuant to section 16 of this act, an electric foot scooter may be operated:

(a) On a roadway, bicycle lane, path or route at a speed of not more than 15 miles per hour; and

(b) On a sidewalk and other pedestrian areas.

Sec. 25. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, **and section 23 of this act**, have the meanings ascribed to them in those sections.

Sec. 26. NRS 484B.017 is hereby amended to read as follows:

484B.017 “Electric bicycle” means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

↪ The term does not include a moped \ddagger *or an electric foot scooter.*

Sec. 27. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle , ~~or~~ an electric bicycle ~~or~~ **or an electric foot scooter.**

2. When overtaking or passing a bicycle ~~or~~ , **an** electric bicycle **or an electric foot scooter** proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or

(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle , ~~or~~ electric bicycle **or electric foot scooter** at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle , ~~or~~ electric bicycle ~~or~~ **or electric foot scooter** and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle , ~~or~~ electric bicycle ~~or~~ **or electric foot scooter.**

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle , ~~or~~ an electric bicycle **or an electric foot scooter** or a pedestrian as provided in subsection 6 of NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles , ~~or~~ electric bicycles **or electric foot scooters** except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles , ~~or~~ electric bicycles ~~or~~ **or electric foot scooters.**

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle , ~~or~~ an electric bicycle ~~or~~ **or an electric foot scooter;** and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

7. The operator of a bicycle , ~~or~~ an electric bicycle **or an electric foot scooter** shall not:

- (a) Intentionally interfere with the movement of a motor vehicle; or
- (b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 28. NRS 484B.297 is hereby amended to read as follows:

484B.297 1. Except as otherwise provided in subsection 6, where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent highway.

2. Except as otherwise provided in subsection 6, pedestrians walking along highways where sidewalks are not provided shall walk on the left side of those highways facing the approaching traffic.

3. A person shall not stand in a highway to solicit a ride or any business from the driver or any occupant of a vehicle. A person shall not, without a permit issued pursuant to NRS 244.3555 or 268.423, solicit any contribution from the driver or any occupant of a vehicle.

4. It is unlawful for any pedestrian who is under the influence of intoxicating liquors or any narcotic or stupefying drug to be within the traveled portion of any highway.

5. The provisions of this section apply to riders of animals, except that the provisions of subsections 1, 2 and 3 do not apply to a peace officer who rides an animal while performing his or her duties as a peace officer.

6. A pedestrian walking or otherwise traveling on a sidewalk who encounters an obstruction to his or her mobility on the sidewalk, including, without limitation, a short section of the sidewalk that is missing or impassable, may proceed with due care on the immediately adjacent highway to move around such an obstruction. Such a pedestrian:

- (a) Must walk or otherwise travel as far to the side of the highway near the sidewalk as possible;
- (b) May walk or otherwise travel on the highway in the direction he or she was walking or traveling on the sidewalk, regardless of the direction of traffic;
- (c) May walk or otherwise travel in a lane provided for bicycles, ~~for~~ electric bicycles *or electric foot scooters* if the area between the lane and the sidewalk is impassable; and
- (d) Must return to the sidewalk as soon as practicable.

7. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 29. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:

(a) Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic must yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as otherwise provided in paragraphs (c) and (d), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle, ~~or~~ an electric bicycle *or an electric foot scooter* may proceed straight through or turn right or left if:

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle, ~~or~~ electric bicycle ~~or~~ *or electric foot scooter*;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

9. Where the signal is a steady red with a green turn arrow:

(a) Except as otherwise provided in paragraph (b), vehicular traffic facing the signal may enter the intersection only to make the movement indicated by

the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) A person driving a motorcycle, moped or trimobile or riding a bicycle, ~~for~~ an electric bicycle **or an electric foot scooter** facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle, ~~for~~ electric bicycle ~~for~~ **or electric foot scooter;**

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

10. If a person violates paragraph (d) of subsection 8 or paragraph (b) of subsection 9 and that violation results in an injury to another person, the violation creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.

11. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

12. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

13. A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an

intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

14. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.135.

Sec. 30. NRS 484B.350 is hereby amended to read as follows:

484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

4. As used in this section, “school crossing guard” means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 31. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:

- (a) When there are no children present;
- (b) On a day on which school is not in session;
- (c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (d) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (e) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

- (a) On a day on which the school is not in session;
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

6. Each such governing body and the Department of Transportation shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

8. If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

9. As used in this section, “speed limit beacon” means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 32. NRS 484B.450 is hereby amended to read as follows:

484B.450 1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, in any of the following places:

- (a) ~~On~~ **Except as otherwise provided in subsection 3, on** a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;
- (e) On a crosswalk;
- (f) Within 20 feet of a crosswalk;
- (g) Within 30 feet upon the approach to any official traffic-control signal located at the side of a highway;
- (h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;
- (i) Within 50 feet of the nearest rail of a railroad;
- (j) Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;
- (k) Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (l) On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;
- (m) Upon any bridge or other elevated structure or within a highway tunnel;
- (n) Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and
- (o) At any place where official traffic-control devices prohibit stopping, standing or parking.

2. The provisions of paragraph (n) of subsection 1 do not apply to a person operating a vehicle of the United States Postal Service if the vehicle is being operated for the official business of the United States Postal Service.

3. **A person may park a bicycle, an electric bicycle or an electric foot scooter on a sidewalk provided that the bicycle, electric bicycle or electric foot scooter does not impede the normal and reasonable movement of pedestrians on the sidewalk.**

4. A person shall not move a vehicle not owned by the person into any prohibited area or away from a curb to a distance which is unlawful.

~~4.1~~ 5. A local authority may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking is dangerous to those using the highway or where the vehicles which are stopping, standing or parking would unduly interfere with the free movement of traffic. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.

Sec. 33. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 34. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

↪ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~or~~ **or an electric foot scooter**, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

7. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 35. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive ~~†~~ , **and section 24 of this act.**

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles , ~~and~~ electric bicycles **and electric foot scooters** apply whenever a bicycle , ~~or~~ an electric bicycle **or an electric foot scooter** is operated upon any highway or upon any path set aside for the exclusive use of bicycles , ~~or~~ electric bicycles **and electric foot scooters** subject to those exceptions stated herein.

Sec. 36. NRS 484B.763 is hereby amended to read as follows:

484B.763 Every person riding a bicycle , ~~or~~ an electric bicycle **or an electric foot scooter** upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle except as otherwise provided in NRS 484B.767 to 484B.783, inclusive, **and section 24 of this act** and except as to those provisions of chapters 484A to 484E, inclusive, of NRS which by their nature can have no application.

Sec. 37. NRS 484B.767 is hereby amended to read as follows:

484B.767 1. Except as otherwise provided in this section, a peace officer, a firefighter, an emergency medical technician, an advanced emergency medical technician or a paramedic certified pursuant to chapter 450B of NRS or an employee of a pedestrian mall, who operates a bicycle ,

~~for~~ an electric bicycle *or an electric foot scooter* while on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* while on duty if he or she:

- (a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or
- (b) Determines that noncompliance with any such provision is necessary to carry out his or her duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, firefighter, emergency medical technician, advanced emergency medical technician, paramedic or employee of a pedestrian mall from the duty to operate a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* with due regard for the safety of others.

(b) Protect such a person from the consequences of the person's disregard for the safety of others.

3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 38. NRS 484B.768 is hereby amended to read as follows:

484B.768 1. Except as otherwise provided in subsection 2, an operator of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* upon a roadway shall not turn from a direct course unless the movement may be made with reasonable safety and the operator gives an appropriate signal. The operator shall give the appropriate signal at least one time but is not required to give the signal continuously.

2. An operator of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* is not required to give a signal if:

(a) The bicycle, ~~for~~ electric bicycle *or electric foot scooter* is in a designated turn lane; or

(b) Safe operation of the bicycle, ~~for~~ electric bicycle *or electric foot scooter* requires the operator to keep both hands on the bicycle, ~~for~~ electric bicycle *or electric foot scooter*.

Sec. 39. NRS 484B.769 is hereby amended to read as follows:

484B.769 An operator of a bicycle, ~~for~~ an electric bicycle *or an electric foot scooter* upon a roadway shall give all signals by hand and arm in the manner required by NRS 484B.420, except that the operator may give a signal for a right turn by extending his or her right hand and arm horizontally and to the right side of the bicycle, ~~for~~ electric bicycle *or electric foot scooter*.

Sec. 40. NRS 484B.770 is hereby amended to read as follows:

484B.770 1. A person propelling a bicycle or an electric bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

2. No bicycle, ~~for~~ electric bicycle *or electric foot scooter* shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 41. NRS 484B.773 is hereby amended to read as follows:

484B.773 No person riding upon any bicycle, electric bicycle, *electric foot scooter*, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

Sec. 42. NRS 484B.777 is hereby amended to read as follows:

484B.777 1. Every person operating a bicycle, ~~or~~ an electric bicycle *or electric foot scooter* upon a roadway shall, except:

(a) When traveling at a lawful rate of speed commensurate with the speed of any nearby traffic;

(b) When preparing to turn left; or

(c) When doing so would not be safe,

↪ ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

2. Persons riding bicycles, ~~or~~ electric bicycles *or electric foot scooters* upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, ~~or~~ electric bicycles ~~and~~ *and electric foot scooters*.

Sec. 43. NRS 484B.780 is hereby amended to read as follows:

484B.780 No person operating a bicycle, ~~or~~ an electric bicycle *or an electric foot scooter* shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Sec. 44. NRS 484B.783 is hereby amended to read as follows:

484B.783 1. Every bicycle, ~~or~~ electric bicycle *or electric foot scooter* when in use at night must be equipped with:

(a) A lamp on the front which emits a white light visible from a distance of at least 500 feet to the front;

(b) A red reflector on the rear of a type approved by the Department which must be visible from 50 feet to 300 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle; and

(c) Reflective material of a sufficient size and reflectivity to be visible from both sides of the bicycle for 600 feet when directly in front of the lawful lower beams of the headlamps of a motor vehicle, or in lieu of such material, a lighted lamp visible from both sides from a distance of at least 500 feet.

2. Every bicycle, ~~or~~ electric bicycle *or electric foot scooter* must be equipped with a brake which will enable the operator to make the wheels skid on dry, level, clean pavement.

Sec. 45. NRS 486.038 is hereby amended to read as follows:

486.038 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

↪ The term does not include an electric bicycle as defined in NRS 483.067 ~~or an electric foot scooter as defined in section 1 of this act.~~

Sec. 46. NRS 486.041 is hereby amended to read as follows:

486.041 “Motorcycle” means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS 483.067, *an electric foot scooter as defined in section 1 of this act*, a tractor and a moped.

Sec. 47. NRS 486A.110 is hereby amended to read as follows:

486A.110 “Motor vehicle” means every vehicle which is self-propelled, but not operated on rails, used upon a highway for the purpose of transporting persons or property. The term does not include:

1. An electric bicycle as defined in NRS 483.067;
2. *An electric foot scooter as defined in section 1 of this act*;
3. A farm tractor as defined in NRS 482.035;
- ~~3~~ 4. A moped as defined in NRS 482.069;
- ~~4~~ 5. A motorcycle as defined in NRS 482.070; and
- ~~5~~ 6. A vehicle having a manufacturer’s gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers.

Sec. 48. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 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 16 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise

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

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate 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. 49. NRS 205.2741 is hereby amended to read as follows:

205.2741 1. It is unlawful for any person:

(a) To throw any stone, rock, missile or any substance at any bicycle, *electric foot scooter as defined in section 1 of this act*, or at any motorbus, truck or other motor vehicle; or

(b) Wrongfully to injure, deface or damage any bicycle, or any motorbus, truck or other motor vehicle, or any part thereof.

2. Any person who violates any of the provisions of subsection 1 is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged and in no event less than a misdemeanor.

Sec. 50. This act becomes effective:

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

2. On January 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 Joint Resolution No. 9.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 459.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to revise provisions governing the selection of justices and judges.

Legislative Counsel’s Digest:

Under the Nevada Constitution, the justices of the Supreme Court and the judges of the court of appeals and district courts are popularly elected. (Nev. Const. Art. 6, §§ 3, 3A, 5) When a vacancy occurs before the expiration of any term of such a judicial office, the Governor appoints a justice or judge from among nominees selected by the Commission on Judicial Selection. (Nev. Const. Art. 6, § 20) This resolution proposes to amend the Nevada Constitution to provide for the initial appointment by the Governor of the Chief Justice, associate justices and judges, from nominees recommended by the Commission on Judicial Selection and for a justice or judge to automatically succeed himself or herself to a new term only if such succession is recommended by a commission on judicial performance after it has reviewed the justice’s or judge’s performance.

In addition, this resolution proposes to amend the Nevada Constitution to create the permanent Commission on Judicial Performance, provide for the creation of temporary commissions on judicial performance and require the commissions to perform those reviews. The review of each justice or judge must consist of a review of the record of the justice or judge and at least one interview of the justice or judge. At the conclusion of this review, the commission must prepare and release to the public a report containing information about the review and a recommendation on the question of whether the justice or judge should succeed himself or herself.

If this resolution is passed by the 2019 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That a new section, designated Section 22, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 22. 1. There is created a permanent Commission on Judicial Performance of seventeen members composed of:

(a) The Chief Justice or an associate justice designated by the Chief Justice;

(b) Eight members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Eight persons, not members of the legal profession, of whom:

(1) Two are appointed by the Governor or his or her designee;

(2) Three are appointed by the Speaker of the Assembly or his or her designee; and

(3) Three are appointed by the ~~President pro tempore~~ Majority Leader of the Senate or his or her designee.

2. Each judge of the district court must be reviewed by a temporary commission on judicial performance, composed of:

(a) The permanent Commission on Judicial Performance;

(b) Two additional members of the State Bar of Nevada resident in the judicial district of the judge being reviewed, appointed by the Board of Governors of the State Bar of Nevada; and

(c) Two residents of the judicial district of the judge being reviewed, not members of the legal profession, appointed by the Governor.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the permanent Commission, except the first members, is 8 years. Each appointing authority shall, as nearly as may be, appoint half of the members first appointed for a term of 4 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term.

5. The additional members of a temporary commission must be appointed when a review is required, and their terms expire when the review has been completed.

6. An appointing authority shall not appoint to the permanent Commission more than half of the body from residents of the same county.

7. No member of the permanent Commission may be a member of a commission on judicial selection or the Commission on Judicial Discipline. A member of the permanent Commission may not hold any other elective office.

8. When the permanent Commission reviews a justice of the Supreme Court, the Chief Justice or associate justice designated to be a member of the Commission is disqualified and the other members of the permanent Commission shall select a judge of the district court or court

of appeals to take the place of the disqualified member of the Commission for the sole purpose of reviewing the justice of the Supreme Court.

And, be it further

Resolved, That a new section, designated Section 23, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 23. 1. The Chief Justice and associate justices of the Supreme Court, the judges of the court of appeals, and the judges of the district courts shall be appointed by the Governor, pursuant to Section 20 of this Article, for a term of 6 years each, and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this Constitution.

2. Commencing with a term of office that expires on or after December 31, 2025, each justice of the Supreme Court, judge of the court of appeals, or judge of the district court who desires to continue service must, on or before July 1 next preceding the expiration of that justice's or judge's term of office, declare their intent to continue service by succeeding themselves with a new term.

3. Commencing with all terms of office for each such justice and judge beginning on January 1, 2026, the term of office upon succession pursuant to this Section shall be 6 years.

4. Commencing with all terms of office for each such justice and judge beginning on January 1, 2026, no judge or justice may serve for more than four terms of 6 years in the same judicial office, provided that service in the same judicial office before the effective date of this Section shall not count towards the four-term limitation on service.

5. All justices and judges must be periodically reviewed by a Commission on Judicial Performance. The review must consist of an examination of the record of the justice or judge and at least one interview of the justice or judge at which the Commission discusses with the justice or judge any areas of performance in which the performance review suggests improvement might be warranted.

6. The Commission on Judicial Performance shall consider, without limitation, a justice's or judge's:

- (a) Knowledge of the law;*
- (b) Oral and written communication skills;*
- (c) Ability to perform the duties of the position;*
- (d) Legal experience;*
- (e) Judicial temperament;*
- (f) Professional reputation;*
- (g) Work ethic;*
- (h) Commitment to access to justice for all; and*
- (i) Other such areas as directed by the Legislature through law or the Court through rulemaking.*

↪ *The Commission shall not consider the justice's or judge's political affiliation or any consideration prohibited by law.*

7. *At the conclusion of the review closest to the expiration of the justice's or judge's term of office, the members of the Commission must vote on the question of whether the Commission recommends that the justice or judge succeed himself or herself.*

8. *Not later than 6 weeks after the completion of the review by the Commission on Judicial Performance, the Commission shall prepare and release to the public a report that provides a summary of the findings of the Commission, the recommendation of the Commission on the question of whether the justice or judge should succeed himself or herself, the rationale for the recommendation and the result of the vote by which the Commission made the recommendation. The vote of an individual member of the Commission must not be disclosed to the public.*

9. *If the justice or judge receives the recommendations of 13 or more members of the Commission, that judge or justice shall automatically succeed himself or herself to a new term of office.*

10. *If the justice or judge receives the recommendation of at least 9, but fewer than 13 members of the Commission, shall not automatically succeed to a new term of office, that office shall be open for appointment through the Commission on Judicial Selection pursuant to Section 20 of this Article, but the justice or judge is eligible to seek reappointment to the next term through the Commission.*

11. *If fewer than 9 members of the Commission on Judicial Performance recommend that a justice or judge succeed himself or herself to a new term of office, that justice or judge shall be ineligible to seek reappointment to the next term through the Commission on Judicial Selection under Section 20 of this Article, but is not barred from seeking appointment in the future.*

12. *If a justice or judge does not declare an intent to succeed to a new term, a vacancy is created at the expiration of the term which must be filled by appointment pursuant to section 20 of this Article.*

13. *Notwithstanding a vacancy, an incumbent whose term has expired may hold over in office until the incumbent, or a new appointee, is confirmed and takes the oath of office for the next term, but in no event shall an incumbent whose term has expired hold over in office for more than 90 days after the expiration of the term.*

14. *In all instances, the term of a new or reappointed justice or judge shall begin after the occurrence of the vacancy and on the date the oath of office is taken, thus qualifying the individual to serve, but the appointment shall be forfeited if such oath is not taken within 30 days of confirmation.*

And, be it further

Resolved, That Section 3A of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court must provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. ~~After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges of the court of appeals must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of section 20 of this Article. After the expiration of 30 days from the date on which the permanent Commission on Judicial Selection has delivered to the Governor its list of nominees for the initial judges, if the Governor has not made the appointments required by this Section, the Governor shall make no other appointment to any public office until the Governor has appointed a judge from the list submitted. The term of the initial judges is 2 years beginning on the first Monday of January next after the effective date of this Section, and an initial judge may succeed himself. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term of 6 years beginning on the first Monday of January next after the election.~~

~~3.~~ The Chief Justice of the Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years. ~~except that the term of the initial chief judge is 2 years.~~ The chief judge may succeed himself. The chief judge may resign the position of chief judge without resigning from the court of appeals.

~~4.~~ 3. The Supreme Court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

And, be it further

Resolved, That Section 5 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 5. The State is hereby divided into nine judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; The County of Washoe the Fourth; The Counties of Nye and Churchill the Fifth; The County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions

of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the ~~office. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this Section hereafter otherwise provided) one district judge, who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four and until the first Monday of January in the year eighteen hundred and sixty seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the First District as in this Section hereinafter provided.) The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; provided, that the First Judicial District shall be entitled to, and shall have three district judges, who shall possess~~ **office of district judge. In a judicial district with more than one district judge, each judge possesses** co-extensive and concurrent jurisdiction, and ~~who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the judges in other judicial districts, any one of said~~ **any of those** judges may preside on the ~~empanneling—empaneling~~ **empaneling** of grand juries and the presentment and trial on indictments ~~under such rules and regulations as may be~~ **in the manner** prescribed by law.

And, be it further

Resolved, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which must not be increased or diminished during the term for which they have been elected ~~or~~ **or appointed** unless a vacancy occurs, in which case the successor of the former incumbent is entitled to receive only such salary as may be provided by law at the time of his election or appointment. A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.

And, be it further

Resolved, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs ~~before the expiration of any term of office~~ **for any reason** in the Supreme Court or the court of appeals or among the district judges, ~~the Governor shall appoint a justice or judge~~

~~from among three nominees selected for such individual vacancy by~~ the Commission on Judicial Selection ~~it~~ shall select three nominees for the vacancy within 60 days after the vacancy occurs. The Commission shall provide the names of the three nominees to the Governor and the public. The Governor may:

- (a) Appoint a justice or judge from among the three nominees selected for the vacancy by the Commission on Judicial Selection; or
- (b) Reject all three nominees.

2. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to the Governor its list of nominees for any vacancy, if the Governor has not appointed a justice or judge or rejected all the nominees, the Governor shall make no other appointment to any public office until the Governor has appointed a justice or judge from the list submitted.

3. If the Governor rejects all three nominees selected for the vacancy by the Commission on Judicial Selection, the Commission shall select three additional nominees for the vacancy within 60 days after the date of the rejection. The Commission shall provide the names of the three additional nominees to the Governor and the public. The Governor must appoint a justice or judge from among the three additional nominees selected for the vacancy by the Commission on Judicial Selection.

4. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to the Governor its list of additional nominees for any vacancy, if the Governor has not made the appointment required by subsection 3, the Governor shall make no other appointment to any public office until the Governor has appointed a justice or judge from the list of additional nominees submitted by the Commission on Judicial Selection.

5. The initial term of office of any justice or judge ~~so expires on the first Monday of January following the next general election.~~

~~—3—~~ appointed due to the vacancy of a judicial office before the expiration of a full 6-year judicial term shall be the balance of that judicial term. If the initial term is for a period of three calendar years or less, it shall not count towards the four-term limitation on service. If the initial term is for a period greater than three calendar years, it shall so count.

6. Each nomination for the Supreme Court or the court of appeals must be made by the permanent Commission, composed of:

- (a) The Chief Justice or an associate justice designated by him;
- (b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and
- (c) Three persons, not members of the legal profession, appointed by the Governor.

~~¶4.~~ 7. Each nomination for the district court must be made by a temporary commission composed of:

- (a) The permanent Commission;
- (b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and
- (c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

~~¶5.~~ 8. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

~~¶6.~~ 9. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a vacancy occurs, and their terms expire when the nominations for such vacancy have been transmitted to the Governor.

~~¶7.~~ 10. An appointing authority shall not appoint to the permanent Commission more than:

- (a) One resident of any county.
 - (b) Two members of the same political party.
- ↪ No member of the permanent Commission may be a member of *a commission on judicial performance or* the Commission on Judicial Discipline.

~~¶8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.]~~

And, be it further

Resolved, That Section 3 of Article 6 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec. 3. **Justices of Supreme Court: Election; terms; Chief Justice.** The justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; provided, that there shall be elected, at the first election under this Constitution, three justices of the Supreme Court who shall hold office from and including

the first Monday of December A.D., eighteen hundred and sixty four, and continue in office thereafter, two, four and six years respectively, from and including the first Monday of January next succeeding [succeeding] their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of office each shall fill, and the justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior justice in commission shall be Chief Justice; and in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bills Nos. 19, 32, 47, 128, 150, 176, 178, 185, 210, 242, 271, 289, 298, 305, 319, 331, 338, 371, 420, 425, and 446 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson requested that the Assembly recess until 7 p.m.

Assembly in recess at 6 p.m.

ASSEMBLY IN SESSION

At 9:26 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 27, 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 132, 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 170, 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 275, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 348, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN B. SPIEGEL, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 70, 369, 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 were referred Assembly Bills Nos. 264, 300, 335, 362, 399, 461, 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. 353, 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. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 133, 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 Health and Human Services, to which were referred Assembly Bills Nos. 223, 228, 234, 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 Health and Human Services, to which was referred Assembly Bill No. 254, 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 Health and Human Services, to which was referred Assembly Bill No. 303, 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 Health and Human Services, to which was referred Assembly Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 60, 81, 299, 439, 440, 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 was referred Assembly Bill No. 329, 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 Legislative Operations and Elections, to which was referred Assembly Bill No. 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 7.

Assemblyman Wheeler moved the adoption of the resolution.

ASSEMBLYMAN WHEELER:

I am honored today to present a proclamation for my friends from Taiwan and ask them to stand as I share a little about their visit to Nevada. I have with me Joseph Ma, the Director General, and Jessie Chin from the Taipei Economic and Cultural Office in San Francisco. Jessie was instrumental in setting up our visit to Taiwan and was diligent in her efforts to ensure we were all well-educated on all of the incredible things that are happening in Taiwan.

I would like to share a little history of our incredible and long-standing relationship for those who are new to our body. In an effort to protect significant United States security and commercial interests, in 1979, Taiwan and the U.S. formed a geopolitical and economic link that has bonded us as strong allies that share powerful commitments to the values of democracy, the rule of law, and free markets. This was particularly important to Nevada, because a sister statehood was established with Taiwan on October 24, 1985, to officially recognize the strengthening and fruitful partnership which was bolstered by a longstanding friendship based on trade and cultural exchange.

We continued to strengthen our sister statehood in 1991 in the form of two state seals to solidify our enduring bonds, and in 2016 with driving privileges being extended, and again today with a proclamation I am proud to present to my guests.

Jesse and Joseph, thank you for being here today and for all of your efforts to maintain a very strong professional and personal bond between our countries and our beautiful state.

Motion carried.

Resolution adopted and ordered transmitted to the Senate.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 62, 86, 216, and 406 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 27.

Bill read second time.

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

Amendment No. 505.

AN ACT relating to contractors; **revising provisions governing cease and desist orders issued by the State Contractors' Board for acting as a contractor or submitting a bid on a job in this State without a license as a contractor; prescribing certain actions that the Board is required or authorized to take after issuance of such a cease and desist order;** authorizing a person who is issued a cease and desist order by the ~~State Contractors'~~ Board to contest the order within a certain period; setting forth the circumstances under which the order shall be deemed a final order of the Board; authorizing the Board to extend the time to contest the order for good cause shown; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if the State Contractors' Board has reason to believe that a person has committed certain violations, the Board is required to issue, or authorize the issuance of, a written administrative citation to the person. If the citation includes any corrective action that must be taken, the citation must specifically describe that action. A person to whom the Board issues a citation may contest the citation within 15 business days after the citation is served upon the person. If a person does not contest a citation within that period, or if the Board does not extend that period, the citation shall be deemed a final order of the Board and not subject to review by any court or agency. (NRS 624.341, 624.345) Existing law also ~~authorizes~~ **requires** the Board to issue a cease and desist order to a person for ~~certain violations committed by the person.~~ **acting as a contractor or submitting a bid on a job in this State without a license as a contractor.** (NRS 624.212) **Section 1 of this bill revises provisions governing such cease and desist orders and sets forth the actions that the Board is required or authorized to take after issuing such an order. Such actions may include, without limitation: (1) confirming that a violation of the cease and desist order has occurred; (2) imposing written administrative citations and administrative fines; (3) requiring the person against whom a cease and desist order is issued to take certain actions to remedy the violation; and (4) vacating or clarifying the terms of a cease and desist order. Section 1.5 of this bill** amends the provisions of existing law which authorize a person to contest a written citation issued by the Board to include any cease and desist order issued by the Board.

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

Section 1. NRS 624.212 is hereby amended to read as follows:

624.212 1. The Executive Officer, on behalf of the Board, shall issue an order to cease and desist to any person:

- (a) Acting as a contractor, including, without limitation, commencing work as a contractor; or
- (b) Submitting a bid on a job situated in this State,

↪ without ~~[an active]~~ a valid license ~~[of the proper classification]~~ issued pursuant to this chapter. The order must be served personally or by certified mail and is effective upon receipt.

2. ~~If it appears that any person has engaged in acts or practices which constitute a violation of this chapter or the violation of an order issued pursuant to subsection 1, the Board may request the Attorney General, the district attorney of the county in which the alleged violation occurred or the district attorney of any other county in which that person maintains a place of business or resides to apply on behalf of the Board to the district court for an injunction restraining the person from acting in violation of this chapter. Upon a proper showing, a temporary restraining order, a preliminary injunction or a permanent injunction may be granted. The Board as plaintiff in the action is not required to prove any irreparable injury.~~

~~3. In seeking injunctive relief against any person for an alleged violation of NRS 624.700, it is sufficient to allege that the person did, upon a certain day and in a certain county of this State:~~

~~(a) Act as a contractor, including, without limitation, commence work as a contractor; or~~

~~(b) Submit a bid on a job situated in this State;~~

~~↪ without having an active license of the proper classification issued pursuant to this chapter, without alleging any further or more particular facts concerning the matter.~~

~~4. The issuance of a restraining order or an injunction does not relieve the person against whom the restraining order or injunction is issued from criminal prosecution for practicing without a license.~~

~~5.] After confirming that the cease and desist order has been received by the person to whom it was issued, the Board shall return to the job site or take any other action required to confirm that the terms of the cease and desist order have been complied with. The person to whom the cease and desist order was issued may, while in the course of stopping work on the job, take any necessary action within 48 hours after receiving the cease and desist order to protect the public, the project, any other contractors, laborers and equipment on the site and to limit the loss of any perishable goods.~~

~~3. If the Board determines that any term of a cease and desist order has not been complied with and no exception applies:~~

~~(a) The person to whom the cease and desist order was issued shall be deemed noncompliant with the cease and desist order and the person may not complete the project, except for taking any necessary action to protect the public, the project, any other contractors, laborers and equipment and to limit the loss of any perishable goods.~~

~~(b) Except as otherwise provided in paragraph (c), for a first violation, the Board shall issue a written administrative citation pursuant to NRS 624.341, which may include any reasonable investigatory fees and costs, conditioned upon the submission by the person of a bona fide application for the issuance~~

of a license pursuant to this chapter within a reasonable period established by the Board.

(c) For a second or subsequent violation, or for any first violation for which the reasonable value of the unlicensed work exceeds \$50,000, the Board shall:

(1) Report the violation of the cease and desist order to the appropriate district attorney for possible criminal prosecution pursuant to NRS 624.700; and

(2) Provide any reasonable assistance in the prosecution.

(d) The Board may apply for an injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.

4. If the Board determines that the person to whom the cease and desist order was issued has complied with the order, the Board:

(a) Shall issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs; and

(b) May require the person to submit a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.

5. When assessing an administrative fine pursuant to this section, the Board may:

(a) Require the person to whom the cease and desist order was issued to remedy any loss or damage caused by the unlicensed activity for which the order was issued, including, without limitation, the disgorgement of any amount of money collected from the owner of the project that was not for material delivered to the job site and that has not been damaged or altered by the person;

(b) Reduce or stay any administrative fine imposed pursuant to subsection 4 pending completion by the person of a program of training or an examination required by the Board; or

(c) Reduce or stay any administrative fine imposed pursuant to subsection 4 if the person obtains a valid license issued pursuant to this chapter.

6. When imposing an administrative fine pursuant to this section, the Board shall impose the maximum administrative fine established pursuant to this chapter for the unlicensed activity if more than one of the following circumstances exist:

(a) The person has previously committed the same or a similar violation as the violation for which the administrative fine is imposed;

- (b) The unlicensed activity involves more than one trade or craft;
- (c) The unlicensed activity resulted in harm to any person or property;
- (d) The unlicensed activity involved an elderly person or a person with a diagnosed physical or mental disability; or
- (e) The unlicensed activity was for a project having a contract value in excess of \$50,000.

7. Within 15 business days after receiving a cease and desist order, the person against whom the order was issued may petition the Board in writing to lift or alter the order. The petition may assert:

- (a) As an absolute defense:
 - (1) Licensure of the person pursuant to chapter 624 of NRS;
 - (2) Any applicable exception to licensure set forth in NRS 624.031; or
 - (3) Misidentification of the person.
- (b) As a partial defense:
 - (1) Overbreadth of any term of the cease and desist order;
 - (2) Vagueness or ambiguity of any term of the cease and desist order;
 - (3) Consideration of any necessary action taken by the person to protect the public, the project, any other contractors, laborers and any equipment on the job site and to limit any loss of perishable goods; or
 - (4) Any other defect in the terms of the cease and desist order.

8. After considering any assertion made in a petition pursuant to:

- (a) Paragraph (a) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the absolute defense asserted in the petition, vacate the cease and desist order or any portion thereof.
- (b) Paragraph (b) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the partial defense asserted in the petition, reasonably clarify any terms of the cease and desist order requested by the petitioner.

9. When considering an application for the issuance of a license pursuant to this chapter, the Board may consider:

- (a) Any cease and desist order issued against the applicant;
- (b) Compliance by the applicant with any cease and desist order issued against him or her;
- (c) Any criminal conviction of the applicant for failure to comply with any cease and desist order; or
- (d) The payment by the applicant of any criminal or administrative fine and any administrative fee or cost imposed against the applicant.

10. If the court finds that a person ~~willfully~~ violated an order issued pursuant to subsection 1 ~~1.5~~ without an established absolute defense set forth in paragraph (a) of subsection 7, it shall impose a fine of not less than \$250 nor more than \$1,000 for each violation of the order.

~~Section 1.1~~ Sec. 1.5. NRS 624.345 is hereby amended to read as follows:

624.345 1. A person who is issued a written citation pursuant to NRS 624.341 or an order to cease and desist pursuant to NRS 624.212 may contest

the citation *or order* within 15 business days after the date on which the citation *or order* is served on the person.

2. A person may contest, without limitation:

(a) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the Board for the expenses incurred to investigate the person; and

(e) Whether any corrective action described in the citation *or order* is reasonable.

3. If a person does not contest a citation issued pursuant to NRS 624.341 *or an order to cease and desist issued pursuant to NRS 624.212* within 15 business days after the date on which the citation *or order* is served on the person, or on or before such later date as specified by the Board pursuant to subsection 4, the citation *or order* shall be deemed a final order of the Board and not subject to review by any court or agency.

4. The Board may, for good cause shown, extend the time to contest a citation issued pursuant to NRS 624.341 ~~+~~ *or an order to cease and desist issued pursuant to NRS 624.212*.

5. For the purposes of this section ~~+~~ ~~a~~:

(a) *An order to cease and desist must be served in accordance with NRS 624.212.*

(b) A citation shall be deemed to have been served on a person on:

~~+(a)~~ (1) The date on which the citation is personally delivered to the person;

or

~~+(b)~~ (2) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 392.

SUMMARY—Revises provisions related to ~~+~~ ~~domestic violence~~; **criminal justice**. (BDR 3-425)

AN ACT relating to ~~+~~ ~~domestic violence~~; **criminal justice**; revising the definition of domestic violence; ~~+~~ ~~providing a legislative declaration concerning stalking~~; increasing certain penalties relating to battery which constitutes domestic violence; imposing ~~+~~ ~~an administrative assessment~~; **a fee**

on certain unlawful acts that constitute domestic violence; requiring such ~~administrative assessments~~ fees to be deposited into the Account for Programs Related to Domestic Violence; revising the definition of stalking; increasing certain penalties related to stalking; **revising provisions relating to the crime of facilitating sex trafficking; revising provisions relating to the crime of assault; revising provisions relating to the crime of battery; adding additional persons to the list of persons who are prohibited from having on their possession or under their custody or control any firearm;** revising the duties and quorum requirements of the Committee on Domestic Violence; **revising provisions relating to the Office of Advocate for Missing or Exploited Children;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons. (NRS 33.018) **Section 1** of this bill revises the unlawful acts that constitute domestic violence to include coercion, burglary, home invasion and pandering. **Section 1 also provides that such acts if committed by siblings against each other, unless those siblings are in a custodial or guardianship relationship, or such acts if committed by cousins against each other, unless those cousins are in a custodial or guardianship relationship, do not constitute domestic violence. Section 22 of this bill makes a conforming change.**

~~Existing law prohibits certain conduct which is defined as the crime of stalking. (NRS 200.575) Section 9 of this bill provides a legislative declaration concerning certain findings regarding stalking.~~

~~Existing law provides that during the penalty hearing of a defendant who has been found guilty or guilty but mentally ill of murder of the first degree, the State generally may introduce evidence of certain additional aggravating circumstances. The jury may only impose a sentence of death if it finds at least one aggravating circumstance and finds that no mitigating circumstances exist which are sufficient to outweigh any aggravating circumstance that is found. (NRS 175.552, 175.554) Existing law sets forth the circumstances by which murder of the first degree may be aggravated. (NRS 200.033) Section 10 of this bill adds an additional circumstance where the murder involved an act that constitutes domestic violence, the victim was pregnant at the time of the murder and the defendant knew or should have known that the victim was pregnant.~~

Existing law authorizes a court to order the videotaping of a deposition under certain circumstances. (NRS 174.227) Existing law also authorizes, under certain circumstances, the use of such a videotaped deposition instead of the deponent's testimony at trial. (NRS 174.228) Section 2 of this bill authorizes the court to order the videotaping of a deposition of a victim of facilitating sex trafficking. Section 3 of this bill makes a conforming change to allow such a videotaped deposition to be used instead of the deponent's testimony at trial.

When a person is convicted of battery that constitutes domestic violence, existing law requires the court to order the person to pay an administrative assessment of \$35 to be deposited in the Account for Programs Related to Domestic Violence. (NRS 200.485) ~~{Sections 12 14, 17, 19 and 23 35}~~ **Section 3.5** of this bill ~~{require}~~ **requires** the court to order ~~{such an administrative assessment}~~ **a \$35 fee to be paid and deposited into the Account for Programs Related to Domestic Violence** if a person is convicted of certain unlawful acts that constitute domestic violence ~~. It including, sexual assault, false imprisonment, assault, stalking, pandering, burglary, home invasion, coercion, trespassing and certain provisions related to arson and larceny and unlawful acts related to injuring or killing an animal.~~ **Section 3.5 requires the court to enter a finding of fact that a person has committed an act that constitutes domestic violence in such a person's judgment of conviction. Section 3.5 also requires the court to order such a person to attend such counseling sessions relating to the treatment of persons who commit domestic violence under certain circumstances.** **Section 40** of this bill requires such ~~{administrative assessments}~~ **fees** to be deposited with the State Controller for credit to the Account.

Under existing law, a person convicted of a battery which constitutes domestic violence, for the first offense, is guilty of a misdemeanor and shall be punished by: (1) imprisonment in a city or county jail or detention center for not less than 2 days, but not more than 6 months; (2) community service; and (3) a fine of not less than \$200 and not more than \$1,000. Existing law authorizes a court to impose the term of imprisonment intermittently, except that each period of confinement cannot last less than 4 consecutive hours and cannot be served when the person is required to be at his or her place of employment. (NRS 200.485) **Section 15** of this bill ~~{increases the fine to \$400 and}~~ requires the court to impose intermittent confinement of not less than ~~{2}~~ **12** consecutive ~~{days regardless of whether the person is required to be at his or her place of employment}~~ **hours** for the first offense of such an act.

Additionally, under existing law, a person convicted for his or her second offense of battery which constitutes domestic violence is guilty of a misdemeanor and is required to be imprisoned in a city or county jail or detention facility for not less than 10 days and not more than 6 months and pay a fine of **not less than \$500, or more than \$1,000.** (NRS 200.485) **Section 15** increases the minimum term of imprisonment to ~~{30}~~ **20** days ~~. and increases the fine to \$750.~~

Under existing law, a person convicted for his or her third or any subsequent offense of battery which constitutes domestic violence is guilty of a category C felony. (NRS 200.485) **Section 15** increases the penalty for such an act to a category B felony.

~~{Under existing law, a person convicted of battery which constitutes domestic violence where the battery was committed by strangulation is guilty of a category C felony and a fine of not more than \$15,000, if authorized by the court. (NRS 200.485) Section 15 increases the penalty to a category B~~

~~felony and authorizes a court to impose a fine of not less than \$1,000 and not more than \$15,000.]~~

Existing law provides that any person who has previously been convicted of a battery which constitutes domestic violence that is punishable as a felony or a conviction for a similar felony of another state and who commits a battery that constitutes domestic violence is guilty of a category B felony. (NRS 200.485) Section 15 instead provides that a person who has previously been convicted of any felony that constitutes domestic violence or a similar offense in another state and who commits a battery which constitutes domestic violence is guilty of a category B felony.

Section 15 also provides a penalty for a battery which constitutes domestic violence where the act was committed against a victim who was pregnant at the time of such a battery. Under section 15, a person who commits such a battery: (1) for the first ~~for second~~ offense is guilty of a gross misdemeanor; and (2) for the ~~third~~ second or any subsequent offense is guilty of a category B felony and authorizes the court to impose a minimum fine of not less than \$1,000 and not more than ~~\$15,000. Section 6 of this bill also authorizes a court to impose an additional penalty of a minimum term of imprisonment of 1 year and a maximum term of 10 years on any person who commits a third or any subsequent offense.]~~ \$5,000.

Section 15 also provides that if a person is convicted of a battery which constitutes domestic violence, where such a battery causes substantial bodily harm to the victim, the person: (1) is guilty of a category B felony; and (2) the court is authorized to impose a fine of \$1,000 to \$15,000. ~~[Section 15 further requires a court to consider the presence of a child during the commission of a battery that constitutes domestic violence as an aggravating factor in determining the sentence of such a person.]~~

Existing law provides that a person is guilty of: (1) a category D felony if the person commits an assault upon an officer; and (2) a category B felony if the person commits an assault upon an officer with the use of a deadly weapon or the present ability to use a deadly weapon. (NRS 200.471) Existing law also provides that a person is guilty of: (1) a category B felony if the person commits a battery upon an officer which causes substantial bodily harm or is committed by strangulation; and (2) a gross misdemeanor if the person commits a battery upon an officer and the person knew or should have known that the victim was an officer. (NRS 200.481) Sections 14 and 14.5 of this bill revise the definition of "officer" for such purposes to include a prosecuting attorney of an agency or political subdivision of the United States or of this State.

Existing law provides that a person who, without lawful authority, willfully or maliciously engages in conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and the conduct actually causes the victim to feel such emotions, is guilty of the crime of stalking. Existing law makes

such a crime punishable as a misdemeanor for the first offense, and as a gross misdemeanor for any subsequent offense. (NRS 200.575) **Section 17** of this bill revises the definition of stalking to: (1) provide that the course of conduct must be directed at the victim; and (2) clarify that the conduct would cause the victim to be fearful of his or her immediate safety. **Section 17** also increases the penalty for a third or any subsequent offense of stalking to a category C felony and authorizes a court to impose a fine of not more than \$5,000. **Section 17 also provides that if the crime of stalking is committed against a victim who is under the age of 16 and the person is 5 or more years older than the victim: (1) for the first offense, the person is guilty of a gross misdemeanor; (2) for the second offense, the person is guilty of a category C felony and may be further punished by a fine of not more than \$5,000; and (3) for a third or any subsequent offense, the person is guilty of a category B felony and may be further punished by a fine of not more than \$5,000.**

Existing law authorizes a court to impose an additional fine of \$500,000 on certain persons who are convicted of sex trafficking or living from earnings of a prostitute. (NRS 201.352) Section 21 of this bill similarly authorizes a court to impose an additional fine of \$500,000 on a person convicted of facilitating sex trafficking.

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm. A person who violates such a provision is guilty of a category B felony. (NRS 202.360) Section 22 of this bill adds to the list of such persons, a person who has been convicted in this State of a misdemeanor that constitutes domestic violence or a violation of the law of any other jurisdiction which prohibits the same or similar conduct.

Existing law provides for the compensation of certain victims of crime. (NRS 217.010-217.270) Section 38 and 39 of this bill expand the definition of “victim” to include victims of the crime of facilitating sex trafficking so that such persons may be compensated under certain circumstances.

Existing law requires the Attorney General to appoint a Committee on Domestic Violence whose duties include, among other things: (1) increasing awareness of domestic violence within the State; and (2) reviewing certain programs related to the treatment of persons who commit domestic violence and making recommendations concerning those programs to the Division of Public and Behavioral Health of the Department of Health and Human Services. Existing law also requires a quorum of six members of the Committee for voting purposes. (NRS 228.470) **Section 41** of this bill: (1) eliminates the duty to review and make recommendations concerning such treatment programs; (2) requires a quorum of six members for all purposes; and (3) authorizes the Committee to adopt regulations necessary to carry out its duties.

Under existing law, the duties of the Office of Advocate for Missing or Exploited Children of the Office of the Attorney General include

investigating and prosecuting any alleged crime involving the exploitation of children. (NRS 432.157) Section 42 of this bill expands the Office's duties to include investigating and prosecuting the crime of facilitating sex trafficking involving children.

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

Section 1. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

(a) A battery.

(b) An assault.

(c) ~~Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.~~ **Coercion pursuant to NRS 207.190.**

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(7) Injuring or killing an animal.

(8) **Burglary.**

(9) **An invasion of the home.**

(f) A false imprisonment.

(g) ~~Unlawful entry of the other person's residence, or forcible entry against the other person's will if there is a reasonably foreseeable risk of harm to the other person from the entry.~~ **Pandering.**

2. **The provisions of this section do not apply to:**

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

3. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual

involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 1.5. NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she is or was actually residing, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child, ~~or~~ **or a person who is the custodian or guardian of his or her minor child.**

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

- (a) Prior domestic violence involving either person;
- (b) The relative severity of the injuries inflicted upon the persons involved;
- (c) The potential for future injury;
- (d) Whether one of the alleged batteries was committed in self-defense; and
- (e) Any other factor that may help the peace officer decide which person

was the primary physical aggressor.

3. A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. **Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.**

5. **The provisions of this section do not apply to:**

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 174.227 is hereby amended to read as follows:

174.227 1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:

- (a) A victim of sexual abuse as that term is defined in NRS 432B.100;
- (b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age; ~~for~~
- (c) A victim of sex trafficking as that term is defined in subsection 2 ~~13~~ of NRS 201.300 ~~1~~; or

(d) A victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.

↪ The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:

- (a) For good cause shown may release the address of the person to be examined; and
- (b) For cause shown may extend or shorten the time.

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Sec. 3. NRS 174.228 is hereby amended to read as follows:

174.228 A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

- (1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and
- (2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue

to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. In the case of a victim of sex trafficking as that term is defined in subsection ~~2~~ ~~131~~ of NRS 201.300 ~~11~~ or a victim of facilitating sex trafficking as a term is defined in subsection 1 of NRS 201.301:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Sec. 3.5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other fine or penalty, if the court finds that a person is guilty of committing an act that constitutes domestic violence pursuant to NRS 33.018, the court shall:

1. Enter a finding of fact in the judgment of conviction.

2. Order the person to pay a fee of \$35. Any money so collected pursuant to subsection 1 must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

3. Require for the:

(a) First offense of any act that constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(b) Second offense of any act that constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

Sec. 4. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection ~~3~~ 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

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

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

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

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

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

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

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

(c) "System" has the meaning ascribed to it in NRS 205.476.

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

~~Sec. 5. NRS 179D.0357 is hereby amended to read as follows:~~

~~179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:~~

~~1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.~~

~~2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.~~

~~3. Involuntary servitude of a child pursuant to NRS 200.4631, unless the offender is the parent or guardian of the victim.~~

~~4. An offense involving sex trafficking pursuant to subsection [2] 3 of NRS 201.300 or prostitution pursuant to NRS 201.320.~~

~~5. An attempt to commit an offense listed in this section.~~

~~6. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

- ~~(a) A tribal court.~~
- ~~(b) A court of the United States or the Armed Forces of the United States.~~

~~7. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:~~

- ~~(a) A tribal court.~~
- ~~(b) A court of the United States or the Armed Forces of the United States.~~
- ~~(c) A court having jurisdiction over juveniles. (Deleted by amendment.)~~

Sec. 6. [Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as otherwise provided in NRS 193.169, any person who commits a crime of battery that constitutes domestic violence pursuant to NRS 33.018 against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant, shall, in addition to the term of imprisonment prescribe by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years.~~

~~2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:~~

- ~~(a) The facts and circumstances of the crime;~~
- ~~(b) The criminal history of the person;~~
- ~~(c) The impact of the crime on any victim; and~~
- ~~(d) Any other relevant information.~~

~~3. A sentence imposed pursuant to this section:~~

- ~~(a) Must not exceed the sentence imposed for the crime; and~~
- ~~(b) Runs consecutively with the sentence prescribed by statute for the crime.~~

~~4. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact. (Deleted by amendment.)~~

Sec. 7. [NRS 193.1675 is hereby amended to read as follows:

~~193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.481 which is punishable as a felony, NRS 200.508, 200.5099, subsection [2] 3 of NRS 200.575, NRS 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270,~~

~~206.150, NRS 206.330 which is punishable as a felony or NRS 207.190 because the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the victim was different from that characteristic of the perpetrator may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:~~

- ~~—(a) The facts and circumstances of the crime;~~
- ~~—(b) The criminal history of the person;~~
- ~~—(c) The impact of the crime on any victim;~~
- ~~—(d) Any mitigating factors presented by the person; and~~
- ~~—(e) Any other relevant information.~~

~~→ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.~~

~~—2. A sentence imposed pursuant to this section:~~

- ~~—(a) Must not exceed the sentence imposed for the crime; and~~
- ~~—(b) Runs consecutively with the sentence prescribed by statute for the crime.~~

~~—3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact. (Deleted by amendment.)~~

Sec. 8. [NRS 193.169 is hereby amended to read as follows:

~~—193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 or section 6 of this act must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.~~

~~—2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335, 453.3345 or 453.3351 or section 6 of this act even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.~~

~~—3. This section does not:~~

- ~~—(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.~~

~~(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.~~ **(Deleted by amendment.)**

Sec. 8.5. NRS 199.480 is hereby amended to read as follows:

199.480 1. Except as otherwise provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300, facilitating sex trafficking in violation of NRS 201.301 or a violation of NRS 205.463, each person is guilty of a category B felony and shall be punished:

(a) If the conspiracy was to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300, facilitating sex trafficking in violation of NRS 201.301 or a violation of NRS 205.463, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(b) If the conspiracy was to commit murder, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years,

↪ and may be further punished by a fine of not more than \$5,000.

2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.

3. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

(c) Falsely to institute or maintain any action or proceeding;

(d) To cheat or defraud another out of any property by unlawful or fraudulent means;

(e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

↪ each person is guilty of a gross misdemeanor.

Sec. 9. [Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

- ~~1. The Legislature hereby finds and declares that stalking:~~
- ~~(a) Is a serious problem in this State and nationwide;~~
- ~~(b) Involves severe intrusions on the personal privacy and autonomy of its victims;~~
- ~~(c) Is a crime that causes a long-lasting impact on the quality of life of the victim, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm;~~
- ~~(d) Often becomes increasingly violent over time;~~
- ~~2. It is therefore within the public interest that the Legislature enact provisions to:~~
- ~~(a) Recognize the dangerous nature of stalking as well as the strong connections between stalking and sexual assault;~~
- ~~(b) Encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences;~~
- ~~(c) Permit the criminal justice system to hold perpetrators of stalking accountable for a wide range of acts, communications and conduct;~~
- ~~(d) Recognize that stalking includes, without limitation, a pattern of following, observing or monitoring the victim or committing violent or intimidating acts against the victim, regardless of the means.] (Deleted by amendment.)~~

Sec. 10. [NRS 200.033 is hereby amended to read as follows:

- ~~200.033 The only circumstances by which murder of the first degree may be aggravated are:~~
- ~~1. The murder was committed by a person under sentence of imprisonment;~~
- ~~2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:~~
- ~~(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or~~
- ~~(b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony;~~
- ~~* For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury;~~
- ~~3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person;~~
- ~~4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged;~~

- ~~—(a) Killed or attempted to kill the person murdered; or~~
- ~~—(b) Knew or had reason to know that life would be taken or lethal force used.~~
- ~~—5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.~~
- ~~—6. The murder was committed by a person, for himself or herself or another, to receive money or any other thing of monetary value.~~
- ~~—7. The murder was committed upon a peace officer or firefighter who was killed while engaged in the performance of his or her official duty or because of an act performed in his or her official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or firefighter. For the purposes of this subsection, “peace officer” means:~~
 - ~~—(a) An employee of the Department of Corrections who does not exercise general control over offenders imprisoned within the institutions and facilities of the Department, but whose normal duties require the employee to come into contact with those offenders when carrying out the duties prescribed by the Director of the Department.~~
 - ~~—(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those powers.~~
- ~~—8. The murder involved torture or the mutilation of the victim.~~
- ~~—9. The murder was committed upon one or more persons at random and without apparent motive.~~
- ~~—10. The murder was committed upon a person less than 14 years of age.~~
- ~~—11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of that person.~~
- ~~—12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.~~
- ~~—13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately before, during or immediately after the commission of the murder. For the purposes of this subsection:~~
 - ~~—(a) “Nonconsensual” means against the victim’s will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his or her conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.~~
 - ~~—(b) “Sexual penetration” means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim’s body or any object manipulated or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes,~~

~~but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.~~

~~14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who 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. For the purposes of this subsection, "school bus" has the meaning ascribed to it in NRS 483.160.~~

~~15. The murder was committed with the intent to commit, cause, aid, further or conceal an act of terrorism. For the purposes of this subsection, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.~~

~~16. The murder involved an act that constitutes domestic violence pursuant to NRS 33.018 and:~~

~~(a) The victim was pregnant at the time of the murder; and~~

~~(b) The defendant knew or should have known that the victim was pregnant.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 200.364 is hereby amended to read as follows:~~

~~200.364 As used in NRS 200.364 to 200.3788, inclusive, unless the context otherwise requires:~~

~~1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.~~

~~2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.~~

~~3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.~~

~~4. "Offense involving a pupil or child" means any of the following offenses:~~

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

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

~~(c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to NRS 201.555.~~

~~5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or child or sex trafficking.~~

~~6. "Sex trafficking" means a violation of subsection 2.3 of NRS 201.300.~~

~~7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.~~

~~8. "Sexual offense" means any of the following offenses:~~

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

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

~~9. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another,~~

including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

~~10. “Statutory sexual seduction” means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.~~

~~11. “Victim” means a person who is a victim of a sexual offense, an offense involving a pupil or child or sex trafficking.~~

~~12. “Victim of sexual assault” has the meaning ascribed to it in NRS 217.280.~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 200.366 is hereby amended to read as follows:~~

~~200.366 1. A person is guilty of sexual assault if he or she:~~

~~(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or~~

~~(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.~~

~~2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:~~

~~(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~6. In addition to any other fine or penalty, if the court finds that a person convicted of sexual assault pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~7. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:~~

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

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

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

~~(d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony. (Deleted by amendment.)~~

Sec. 13. ~~[NRS 200.460 is hereby amended to read as follows:~~

~~200.460 1. False imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without sufficient legal authority.~~

~~2. A person convicted of false imprisonment shall pay all damages sustained by the person so imprisoned, and, except as otherwise provided in this section, is guilty of a gross misdemeanor.~~

~~3. Unless a greater penalty is provided pursuant to subsection 4, if the false imprisonment is committed:~~

~~(a) By a prisoner in a penal institution without a deadly weapon; or~~

~~(b) By any other person with the use of a deadly weapon;~~

~~the person convicted of such a false imprisonment is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~4. Unless a greater penalty is provided pursuant to subsection 5, if the false imprisonment is committed by using the person so imprisoned as a shield or to avoid arrest, the person convicted of such a false imprisonment is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years.~~

~~5. If the false imprisonment is committed by a prisoner who is in lawful custody or confinement with the use of a deadly weapon, the person convicted of such a false imprisonment is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.~~

~~6. In addition to any other fine or penalty, if the court finds that a person convicted of false imprisonment pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460. (Deleted by amendment.)~~

Sec. 14. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person;

or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting

for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

~~(6)~~ (7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~(7)~~ (8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

- (I) Interact with the public;
- (II) Perform tasks related to law enforcement; and
- (III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~(8)~~ (9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

- (I) Interact with the public;
- (II) Perform tasks related to fire fighting or fire prevention; and
- (III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency;

or
~~(9)~~ (10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

- (I) Interact with the public;
- (II) Perform tasks related to code enforcement; and
- (III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) “Transit operator” means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

~~[3. In addition to any other fine or penalty, if the court finds that a person convicted of assault pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.]~~

Sec. 14.5. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) “Battery” means any willful and unlawful use of force or violence upon the person of another.

(b) “Child” means a person less than 18 years of age.

(c) “Fire-fighting agency” has the meaning ascribed to it in NRS 239B.020.

(d) “Officer” means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

~~(6)~~ (6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

~~(7)~~ (7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

~~(7)~~ (8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

~~(8)~~ (9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency;

or

~~(9)~~ (10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) “Provider of health care” has the meaning ascribed to it in NRS 200.471.

(f) “School employee” means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) “Sporting event” has the meaning ascribed to it in NRS 41.630.

(h) “Sports official” has the meaning ascribed to it in NRS 41.630.

(i) “Strangulation” means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) “Taxicab” has the meaning ascribed to it in NRS 706.8816.

(k) “Taxicab driver” means a person who operates a taxicab.

(l) “Transit operator” means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➔ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 15. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to ~~subsection~~ **subsections 2 ~~to 3~~ to 5, inclusive**, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than ~~\$200, ~~\$400,~~~~ but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than ~~4~~ **2** ~~12~~ **12** consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend. ~~days.~~

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than ~~10-30~~ **20** days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than ~~\$500, ~~\$750,~~~~ but not more than \$1,000. **A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or**

justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category ~~C~~ **B** felony and shall be punished ~~as provided in NRS 193.130~~ **by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~10~~ 6 years, and may be further punished by a fine of not less than \$1,000, but not more than ~~\$15,000~~ \$5,000.**

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C ~~B~~ felony and shall be punished ~~as provided in NRS 193.130~~ **by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not less than \$1,000, but not more than \$15,000. If the battery by strangulation results in substantial bodily harm to an unborn child of the victim, the court shall consider this fact as an aggravating factor in determining the sentence of the defendant.**

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) ~~A battery which~~ **A felony that** constitutes domestic violence pursuant to NRS 33.018; ~~that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2; or 5;~~

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

↪ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. **Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:**

(a) **For the first ~~for second~~ offense, is guilty of a gross misdemeanor.**

(b) **For the ~~third~~ second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than ~~10~~ 6 years, and may be further punished by a fine of not less than \$1,000, but not more than ~~\$15,000~~ \$5,000.**

5. **Unless a greater penalty is provided pursuant to ~~subsection 2 or 3 or~~ NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily**

harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than ~~10~~ 6 years, and may be further punished by a fine of not less than \$1,000, but not more than ~~\$15,000~~ \$5,000.

~~6. If a battery pursuant to this section was committed in the presence of a child under 18 years of age, the court shall consider this fact as an aggravated factor in determining the sentence of the defendant.~~

~~7.]~~ In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

↪ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

~~5-8.7.7.~~ Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

↪ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~6-9.~~ In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the

~~fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~7-10.7 8.~~ In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

~~8-11.7 9.~~ If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

~~9-12.7 10.~~ If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

~~10-13.7 11.~~ In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

~~11-14.7 12.~~ A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall

be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

~~12. 15. 13.~~ As used in this section:

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

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

(c) “Offense” includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 16. NRS 200.571 is hereby amended to read as follows:

200.571 1. A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of another person;

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

2. Except where the provisions of subsection 2, ~~for~~ 3 *or* 4 of NRS 200.575 are applicable, a person who is guilty of harassment:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

3. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

Sec. 17. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct *directed towards a victim* that would cause a reasonable person under similar circumstances to feel terrorized, frightened, intimidated, harassed or fearful for *his or her immediate safety or* the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for *his or her immediate safety or* the immediate safety of a family or household member, commits the crime of stalking. Except where the provisions of subsection 2, ~~for~~ 3 *or* 4 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For ~~any subsequent~~ *the second* offense, is guilty of a gross misdemeanor.

(c) For the third or any subsequent offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~2 years~~ 1 year and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

2. Except as otherwise provided in subsection 3 or 4 and unless a more severe penalty is prescribed by law, a person who commits the crime of stalking where the victim is under the age of 16 ~~+~~ and the person is 5 or more years older than the victim:

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 2 years and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

(c) For the third or any subsequent offense, is guilty of category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.

3. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.

~~3.~~ 4. A person who commits the crime of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

5. ~~It is not a defense to a prosecution for any acts described in this section that the person who commits the crime of stalking:~~

~~(a) Was not given actual notice that the course of conduct was unwanted;~~

~~(b) Did not intend to cause the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member.~~

~~6.~~ If any act engaged in by a person was part of the course of conduct that constitutes the crime of stalking and was initiated or had an effect on the victim in this State, the person may be prosecuted in this State.

~~4.7.~~ 6. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

~~{5. 8. In addition to any other fine or penalty, if the court finds that a person convicted of the crime of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~9.7.7.~~ If the court finds that a person convicted of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018 and that the victim has an ongoing, reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction or admonishment of rights.

~~{6. 10.7 8.~~ If the court includes such a finding in a judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

~~{7. 11.7 9.~~ A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

~~{8. 12.7 10.~~ The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~{9. 13.7 11.~~ As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of ~~{a series of} two or more acts over a period of time, {however short,}~~ that evidences a continuity of purpose directed at a specific person.

(b) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

(c) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

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

(e) ~~["Reasonable person" means a reasonable person under like circumstances to the victim.] "Offense" includes, without limitation, a violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in this section.~~

(f) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person's telephone or computer by addressing the communication to the recipient's telephone number.

~~{(f)}~~ (g) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 18. ~~[NRS 201.230 is hereby amended to read as follows:~~

~~201.230 1. A person is guilty of lewdness with a child if he or she:~~

~~(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 16 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child; or~~

~~(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.~~

~~2. Except as otherwise provided in subsections 4 and 5, a person who commits lewdness with a child under the age of 14 years is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.~~

~~3. Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age is guilty of a category B felony and shall be punished by imprisonment in the state prison for a~~

minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

~~4. Except as otherwise provided in subsection 5, a person who commits lewdness with a child and who has been previously convicted of:~~

~~(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or~~

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

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

~~5. A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.~~

~~6. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection [6] 7 of NRS 200.366.] **(Deleted by amendment.)**~~

Sec. 19. ~~[NRS 201.300 is hereby amended to read as follows:~~

~~201.300 1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.~~

~~2. *In addition to any other fine or penalty, if the court finds that a person convicted of pandering pursuant to subsection 1 committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*~~

~~3. A person:~~

~~(a) Is guilty of sex trafficking if the person:~~

~~(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;~~

~~(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;~~

~~— (3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or~~

~~— (4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.~~

~~— (b) Who is found guilty of sex trafficking:~~

~~— (1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.~~

~~— (2) A child:~~

~~— (I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.~~

~~— (II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.~~

~~— (III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.~~

~~— [3.] 4. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection [2.] 3.~~

~~— [4.] 5. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.~~

~~— [5.] 6. In a prosecution for sex trafficking a child pursuant to subsection [2.] 3, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection [2.] 3. **(Deleted by amendment.)**~~

Sec. 20. ~~[NRS 201.301 is hereby amended to read as follows:~~

~~— 201.301 1. A person is guilty of facilitating sex trafficking if the person:~~

~~— (a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:~~

~~— (1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection [2] 3 of NRS 201.300;~~

~~— (2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection [2] 3 of NRS 201.300; or~~

~~— (3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;~~

~~— (b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:~~

~~— (1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection [2] 3 of NRS 201.300;~~

~~— (2) Soliciting a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection [2] 3 of NRS 201.300; or~~

~~— (3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720; or~~

~~— (c) Travels to or within this State by any means with the intent of engaging in:~~

~~— (1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection [2] 3 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or~~

~~— (2) Any act involving a child that is prohibited by NRS 200.710 or 200.720.~~

~~— 2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:~~

~~— (a) If the victim is 18 years of age or older, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~— (b) If the victim is less than 18 years of age, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years. **(Deleted by amendment.)**~~

Sec. 21. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 ~~13~~ of NRS 201.300, **subsection 1 of NRS 201.301** or NRS 201.320, the victim of the violation is a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of subsection 2 ~~13~~ of NRS 201.300, **subsection 1 of NRS 201.301** or NRS 201.320, the victim of the offense is a child when the offense is committed and the offense also involves

a conspiracy to commit a violation of subsection ~~2~~ ~~(3)~~ of NRS 201.300, subsection 1 of NRS 201.301 or NRS 201.320, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection ~~2~~ ~~(3)~~ of NRS 201.300, NRS 201.301 or ~~NRS~~ 201.320 and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 22. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);

(b) Has been convicted in this State of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018 or of a violation of the law of any other jurisdiction which prohibits the same or similar conduct and which is punishable as a misdemeanor;

(c) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

~~(d)~~ (d) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection ~~5-9~~ 7 of NRS 200.575;

~~(e)~~ (e) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

~~(f)~~ (f) Is a fugitive from justice;

~~(g)~~ (g) Is an unlawful user of, or addicted to, any controlled substance; or

~~(h)~~ (h) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

↪ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

↪ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

~~Sec. 23. [NRS 205.010 is hereby amended to read as follows:~~

~~205.010 1. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any:~~

~~[1.] (a) Dwelling house or other structure or mobile home, whether occupied or vacant; or~~

~~[2.] (b) Personal property which is occupied by one or more persons;~~

~~↪ whether the property of the person or of another, is guilty of arson in the first degree which is a category B felony and shall be punished by imprisonment for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$15,000.~~

~~2. In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.]~~
(Deleted by amendment.)

Sec. 24. [NRS 205.015 is hereby amended to read as follows:

~~205.015 1. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any abandoned building or structure, whether the property of the person or of another, is guilty of arson in the second degree which is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.~~

~~2. In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460. (Deleted by amendment.)~~

Sec. 25. ~~[NRS 205.020 is hereby amended to read as follows:~~

~~205.020 1. A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of:~~

~~[1.] (a) Any unoccupied personal property of another which has the value of \$25 or more;~~

~~[2.] (b) Any unoccupied personal property owned by him or her in which another person has a legal interest; or~~

~~[3.] (c) Any timber, forest, shrubbery, crops, grass, vegetation or other flammable material not his or her own;~~

~~is guilty of arson in the third degree which is a category D felony and shall be punished as provided in NRS 193.130.~~

~~2. In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460. (Deleted by amendment.)~~

Sec. 26. ~~[NRS 205.025 is hereby amended to read as follows:~~

~~205.025 1. A person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in NRS 205.010, 205.015 and 205.020, or who commits any act preliminary thereto or in furtherance thereof, is guilty of arson in the fourth degree which is a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$5,000.~~

~~2. In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~3. In any prosecution under this section the placing or distributing of any inflammable, explosive or combustible material or substance, or any device in any building or property mentioned in NRS 205.010, 205.015 and 205.020, in an arrangement or preparation eventually to set fire to or burn the building or property, or to procure the setting fire to or burning of the building or property,~~

is prima facie evidence of a willful attempt to burn or set on fire the property.]
(Deleted by amendment.)

Sec. 27. ~~[NRS 205.060 is hereby amended to read as follows:~~

~~205.060 1. Except as otherwise provided in subsection [5,] 6, a person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.~~

~~2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.~~

~~3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.~~

~~4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.~~

~~5. *In addition to any other fine or penalty, if the court finds that a person convicted of burglary pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*~~

~~6. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:~~

~~(a) Two or more times for committing petit larceny within the immediately preceding 7 years; or~~

~~(b) Of a felony.] **(Deleted by amendment.)**~~

Sec. 28. ~~[NRS 205.067 is hereby amended to read as follows:~~

~~205.067 1. A person who, by day or night, forcibly enters an inhabited dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of invasion of the home.~~

~~2. A person convicted of invasion of the home is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of invasion of the home and who has previously been convicted of burglary or invasion of the home must not be released on probation or granted a suspension of sentence.~~

~~3. Whenever an invasion of the home is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car traveled during the time the invasion was committed.~~

~~4. A person convicted of invasion of the home who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.~~

~~5. *In addition to any other fine or penalty, if the court finds that a person convicted of an invasion of the home pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*~~

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

~~(a) "Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.~~

~~(b) "Inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.] (Deleted by amendment.)~~

Sec. 29. ~~[NRS 205.222 is hereby amended to read as follows:~~

~~205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.~~

~~2. If the value of the property involved in the grand larceny is less than \$3,500, the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~3. If the value of the property involved in the grand larceny is \$3,500 or more, the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~4. In addition to any other fine or penalty, if the court finds that a person who committed grand larceny pursuant to NRS 205.220 committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~5. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.~~

~~[5.] 6. If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.]~~

(Deleted by amendment.)

Sec. 30. ~~{NRS 205.226 is hereby amended to read as follows:~~

~~205.226 1. A person who intentionally steals, takes and carries away a firearm owned by another person commits grand larceny of a firearm.~~

~~2. A person who commits grand larceny of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~3. In addition to any other fine or penalty, if the court finds that a person convicted of grand larceny of a firearm pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the firearm to pay restitution.]~~ **(Deleted by amendment.)**

Sec. 31. ~~{NRS 205.228 is hereby amended to read as follows:~~

~~205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.~~

~~2. Except as otherwise provided in subsection 3, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$3,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.~~

~~4. In addition to any other fine or penalty, if the court finds that a person convicted of grand larceny of a motor vehicle pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~5. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 205.240 is hereby amended to read as follows:~~

~~205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny if the person:~~

~~(a) Intentionally steals, takes and carries away, leads away or drives away:~~

~~(1) Personal goods or property, with a value of less than \$650, owned by another person;~~

~~(2) Bedding, furniture or other property, with a value of less than \$650, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or~~

~~(3) Real property, with a value of less than \$650, that the person has converted into personal property by severing it from real property owned by another person.~~

~~(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than \$650, owned by another person.~~

~~2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.~~

~~3. In addition to any other fine or penalty, if the court finds that a person convicted of petit larceny pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 206.150 is hereby amended to read as follows:~~

~~206.150 1. Except as otherwise provided in subsections [2] 3 and [3,] 4, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.~~

~~2. In addition to any other fine or penalty, if the court finds that a person convicted pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~3. Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~[3.] 4. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020. (Deleted by amendment.)~~

Sec. 34. ~~[NRS 207.190 is hereby amended to read as follows:~~

~~207.190 1. It is unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to:~~

~~(a) Use violence or inflict injury upon the other person or any of the other person's family, or upon the other person's property, or threaten such violence or injury;~~

~~(b) Deprive the person of any tool, implement or clothing, or hinder the person in the use thereof; or~~

~~(c) Attempt to intimidate the person by threats or force.~~

~~2. A person who violates the provisions of subsection 1 shall be punished:~~

~~(a) Where physical force or the immediate threat of physical force is used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.~~

~~(b) Where no physical force or immediate threat of physical force is used, for a misdemeanor.~~

~~3. In addition to any other fine or penalty, if the court finds that a person who violated the provisions of subsection 1 committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the person who violated the provisions of subsection 1 to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460. (Deleted by amendment.)~~

Sec. 35. ~~[NRS 207.200 is hereby amended to read as follows:~~

~~207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:~~

~~(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or~~

~~(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass;~~

~~is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections [2] 3 and [4.] 5.~~

~~2. In addition to any other fine or penalty, if the court finds that a person convicted of trespassing pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.~~

~~3. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:~~

~~(a) If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:~~

~~(1) Not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:~~

~~(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and~~

~~(II) Each corner of the land, upon or near the boundary; and~~

~~(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;~~

~~(b) If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:~~

~~(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and~~

~~(2) Each corner of the land, upon or near the boundary;~~

~~(c) Fencing the area; or~~

~~(d) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.~~

~~[3.] 4. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection [2] 3 without lawful business with the owner or occupant of the property.~~

~~[4.]5. An entryman on land under the laws of the United States is an owner within the meaning of this section.~~

~~[5.]6. As used in this section:~~

~~(a) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.~~

~~(b) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170. **(Deleted by amendment.)**~~

Sec. 36. ~~[NRS 207.205 is hereby amended to read as follows:~~

~~207.205 1. It is unlawful for any person to post such land within the meaning of subsection [2] 3 of NRS 207.200 unless the person has:~~

~~(a) Obtained written authorization from the owner or occupant of the land, or any building thereon, to do so unless the person is the owner or occupant.~~

~~(b) Placed the name and address of the owner or occupant on each sign.~~

~~2. Any person violating any of the provisions of subsection 1 is guilty of a misdemeanor. **(Deleted by amendment.)**~~

Sec. 37. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection ~~3~~ 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

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

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

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

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

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

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

- (b) “Network” has the meaning ascribed to it in NRS 205.4745.
- (c) “System” has the meaning ascribed to it in NRS 205.476.
- (d) “Text messaging” has the meaning ascribed to it in NRS 200.575.

Sec. 38. NRS 217.070 is hereby amended to read as follows:

217.070 1. “Victim” means:

(a) A person who is physically injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as “sexual abuse” is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); ~~for~~

(h) A person who is trafficked in violation of subsection 2 ~~13~~ of NRS 201.300 ~~11~~; or

(i) A person who is subjected to facilitating sex trafficking in violation of subsection 1 of NRS 201.301.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 39. NRS 217.180 is hereby amended to read as follows:

217.180 1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim, the prior case or social history, if any, of the victim, the need of the victim or the dependents of the victim for financial aid and other relevant matters.

2. If the case involves a victim of domestic violence, sexual assault 1, facilitating sex trafficking or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant’s injury or the death of another from:

(a) The person who committed the crime that caused the victim’s injury or from anyone paying on behalf of the offender;

(b) Insurance;
 (c) The employer of the victim; or
 (d) Another private or public source or program of assistance,
 ↪ the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) **"Facilitating sex trafficking" means a violation of NRS 201.301.**

(c) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

~~+(e)~~ (d) "Sex trafficking" means a violation of subsection 2 ~~13~~ of NRS 201.300.

~~+(d)~~ (e) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 40. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence is hereby created in the State General Fund. Any ~~administrative assessment~~ fee imposed and collected pursuant to ~~NRS 200.366, 200.460, 200.471, 200.485, 200.575, 201.300, 205.010, 205.015, 205.020, 205.025, 205.060, 205.067, 205.222, 205.226, 205.228, 205.240, 206.150, 207.190 and 207.200~~ section 3.5 of this act must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence:

(a) Shall administer the Account for Programs Related to Domestic Violence; and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee;

(2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence;

(3) Assisting victims of domestic violence and educating the public concerning domestic violence; and

(4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence must be paid as other claims against the State are paid.

Sec. 41. NRS 228.470 is hereby amended to read as follows:

228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of the Attorney General or a designee of the Attorney General and:

- (a) One staff member of a program for victims of domestic violence;
- (b) One staff member of a program for the treatment of persons who commit domestic violence;
- (c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;
- (d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;
- (e) One law enforcement officer;
- (f) One provider of mental health care;
- (g) Two victims of domestic violence;
- (h) One justice of the peace or municipal judge; and
- (i) Any other person appointed by the Attorney General.

↪ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence in this State;

~~(b) Review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to NRS 439.258;~~

~~(c) Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;~~

~~(d) To the extent that money is available, provide financial support to programs for the prevention of domestic violence in this State;~~

~~(e) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and~~

~~(f) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada. The report must include, without limitation:~~

~~(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence; and~~

~~(2) All comments and recommendations received by the Committee.~~

3. **The Attorney General shall appoint a subcommittee of members of the Committee to carry out the duties prescribed in paragraph (b) of subsection 2.**

4. The Attorney General or the designee of the Attorney General is the Chair of the Committee.

~~4.5.~~ The Committee shall annually elect a Vice Chair, Secretary and Treasurer from among its members.

~~5.6.~~ The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair. Any six members of the Committee constitute a quorum. ~~for the purpose of voting.~~ A majority vote of the quorum is required to take action with respect to any matter.

~~6.7.~~ At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

~~7.8.~~ The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~8.9.~~ While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~9.10.~~ **The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.**

Sec. 42. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

- (a) Must be an attorney licensed to practice law in this state;
- (b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and
- (c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

- (a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;
- (b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children;
- (c) Recommend legislation concerning missing or exploited children; and
- (d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection ~~2~~ ~~131~~ of NRS 201.300, **a violation of subsection 1 of NRS 201.301** or a violation of NRS 201.320.

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection ~~2~~ ~~1~~ of NRS 201.300, **subsection 1 of NRS 200.301**, NRS 201.320 and 432.150 to 432.220, inclusive.

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 43. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

- (a) Conduct the evaluation or counseling; or
- (b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 43.5. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of the court, court administrator or court executive officer in this State.

(e) Any ~~district attorney or attorney employed by the district attorney~~ **prosecutor** who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(g) The spouse, domestic partner or minor child of a person described in paragraphs (a) to (f), inclusive.

(h) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to (f), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

- (a) That he or she is a person described in subsection 1; and
- (b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

Sec. 44. ~~NRS 493.103 is hereby amended to read as follows:~~

~~493.103 1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than 250 feet over the property if:~~

~~(a) The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than 250 feet on at least one previous occasion; and~~

~~(b) The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not authorize the flight of the unmanned aerial vehicle over the property at a height of less than 250 feet. For the purposes of this paragraph, a person may place the owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection [2] 3 of NRS 207.200.~~

~~2. A person may not bring an action pursuant to subsection 1 if:~~

~~(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway;~~

~~(b) The unmanned aerial vehicle is in the process of taking off or landing;~~

~~(c) The unmanned aerial vehicle was under the lawful operation of:~~

~~(1) A law enforcement agency in accordance with NRS 493.112;~~

~~(2) A public agency in accordance with NRS 493.115.~~

~~(d) The unmanned aerial vehicle was under the lawful operation of a business registered in this State or a land surveyor if:~~

~~(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;~~

~~(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and~~

~~(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.~~

~~3. A plaintiff who prevails in an action for trespass brought pursuant to subsection 1 is entitled to recover treble damages for any injury to the person or the real property as the result of the trespass. In addition to the recovery of damages pursuant to this subsection, a plaintiff may be awarded reasonable attorney's fees and costs and injunctive relief. (Deleted by amendment.)~~

Sec. 45. ~~[The amendatory provisions of sections 6 and 7 of this act apply to an offense committed on or after July 1, 2019.] (Deleted by amendment.)~~

Sec. 46. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 70.

Bill read second time.

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

Amendment No. 577.

~~{CONTAINS UNFUNDED MANDATE (§§ 7, 13-36)~~

~~{NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT}~~

AN ACT relating to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires a public body to ensure that members of the public body and the public present at a meeting can hear or observe and participate in the meeting if any member of the public body is present by means of teleconference or videoconference. (NRS 241.010) **Section 2** of this bill provides instead that if a member of the public body attends a meeting of the public body by means of teleconference or videoconference, the chair of the public body must make reasonable efforts to ensure that members of the public body and the public can hear or observe each member attending by teleconference or videoconference. **Section 4** of this bill makes a conforming change.

Section 2 authorizes, a public body, under certain circumstances, ~~for a member of the public who is the subject of an action item on an agenda of~~ to conduct a public meeting ~~to attend and participate in the meeting~~ by teleconference or videoconference.

Section 2.5 of this bill provides a public body may delegate authority to the chair or the executive director, or an equivalent position, to make any

decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity.

Existing law sets forth the circumstances when a public body is required to comply with the Open Meeting Law. Under existing law, a public body may gather to receive information from an attorney employed or retained by the public body regarding certain matters without complying with the Open Meeting Law. (NRS 241.015) ~~Section 3 of this bill clarifies that any action taken by a public body arising out of any such gathering must be taken in a meeting held in compliance with the Open Meeting Law.~~

Section 5 of this bill authorizes, under certain circumstances, a public body to gather to receive training regarding its legal obligations without complying with the Open Meeting Law.

Section 5 requires, under certain circumstances, a subcommittee or working group of a public body to comply with the provisions of the Open Meeting Law.

The Open Meeting Law requires a public body to make supporting material for a meeting of the public body available to the public upon request. (NRS 241.020) **Section 5** defines the term “supporting material.”

~~The Open Meeting Law sets forth the minimum public notice required for meetings of public bodies, including the posting of an agenda. (NRS 241.020) Section 6 of this bill requires that an agenda include an item on which action may be taken by the public body to approve the agenda before proceeding with any other action item. Section 6 also requires the chair of the public body to end the meeting if a quorum does not approve the agenda.~~

~~Existing law requires a public body to keep written minutes of each of its meetings and provides that minutes of a meeting are public records that must be made available for inspection. (NRS 241.035) Section 7 of this bill requires a public body to have draft minutes of a meeting available for inspection within 30 working days after adjournment of the meeting until the public body approves the minutes. Sections 13-36 of this bill make conforming changes.~~

Existing law requires a public body to have a meeting recorded on audiotape or transcribed by a court reporter **and provide a copy of the audio recording or transcript to a member of the public upon request at no charge. Existing law also provides this requirement does not prohibit a court reporter from charging a fee to the public body for any services relating to the transcription of a meeting.** (NRS 241.035) **Section 7 of this bill clarifies** that a ~~transcript prepared by a~~ court reporter ~~qualifies as written minutes of~~ **who transcribes a meeting is: (1) not prohibited from charging a fee to the public body for the transcription; and (2) not required to provide a copy of any transcript, minutes or audio recording of a meeting directly to a member of the public at no charge.**

~~Existing law provides that if a public body takes certain corrective action within 30 days after an alleged violation, the Attorney General may decide not~~

~~to commence prosecution of the alleged violation. If the public body takes such corrective action, the deadline for the Attorney General to file a lawsuit against the public body to take corrective action is extended by 30 days. (NRS 241.0365) Section 8 of this bill extends by 60 days the deadline by which such law suits may be filed when the public body takes certain corrective action.~~

~~Existing law authorizes the Attorney General or a member of the public to sue a public body: (1) within 60 days after an alleged violation to have an action by the public body declared void; or (2) within 120 days after an alleged violation to require the public body to comply with the Open Meeting Law. (NRS 241.037) Section 9 of this bill tolls the statutes of limitations for filing these actions if the Attorney General issues a finding that a violation of the Open Meeting Law occurred before the expiration of the statutes of limitations.~~

Under existing law, the Attorney General is required to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.039) **Section 10** of this bill: (1) requires , with limited exception, the Attorney General to investigate and prosecute a violation of the Open Meeting Law if a complaint is filed not later than 120 days after the alleged violation; and (2) gives the Attorney General discretion to investigate and prosecute a violation of the Open Meeting Law if a complaint is filed more than 120 days after the alleged violation. **Section 10 also provides that the Attorney General is not required to investigate or prosecute an alleged violation of the Open Meeting Law if he or she believes the complaint was filed in bad faith or by a person whose interests are not significantly affected by the action of the public body.**

Section 10 further requires: (1) the Attorney General to issue certain findings upon completion of an investigation; and (2) a public body to submit a response to the findings of the Attorney General not later than ~~144~~ **30** days after receipt of the Attorney General's findings.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor and subject to a civil penalty of \$500. (NRS 241.040) **Section 12** of this bill provides instead that each member of a public body who: (1) attends a meeting where any violation of the Open Meeting Law occurs; ~~and~~ (2) has knowledge of the violation **; and (3) participates in the violation,** is guilty of a misdemeanor and subject to an administrative fine, the amount of which is graduated for multiple offenses. **Section 12** also creates an exception to these penalties and fines where the member violated the Open Meeting Law based on legal advice provided by an attorney employed or retained by the public body.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and ~~13~~ **2.5** of this act.

Sec. 2. 1. ~~A [member of a] public body may [attend] conduct a meeting [of the public body] by means of teleconference or videoconference [] if:~~

~~(a) A quorum is actually or collectively present, whether in person or by means of electronic communication; and~~

~~(b) There is a physical location designated for the meeting where members of the public are permitted to attend and participate.~~

~~2. If any member of a public body attends a meeting by means of teleconference or videoconference, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:~~

~~(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by teleconference or videoconference; and~~

~~(b) Each member of the public body in attendance can participate in the meeting.~~

~~[2. A member of the public who is the subject of an action item on the agenda of a meeting may attend and participate in the meeting by means of teleconference or videoconference at the discretion of the chair of the public body.]~~

~~Sec. 2.5. A public body may delegate authority to the chair or the executive director of the public body, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity.~~

~~Sec. 3. [Any action taken by a public body arising out of a gathering of one or more members of the public body and an attorney employed or retained by the public body must be taken in a meeting held in compliance with this chapter.] (Deleted by amendment.)~~

Sec. 4. NRS 241.010 is hereby amended to read as follows:

241.010 [] In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

~~[2.—If any member of a public body is present by means of teleconference or videoconference at any meeting of the public body, the public body shall ensure that all the members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting.]~~

Sec. 5. NRS 241.015 is hereby amended to read as follows:

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

1. "Action" means:

(a) A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. “Deliberate” means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

3. “Meeting”:

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

(3) ***To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.***

4. Except as otherwise provided in NRS 241.016, “public body” means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or

disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056, an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

- (1) The Constitution of this State;
- (2) Any statute of this State;
- (3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;
- (4) The Nevada Administrative Code;
- (5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;
- (6) An executive order issued by the Governor; or
- (7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

- (1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;
- (2) An entity in the Executive Department of the State Government, ~~consisting of members appointed by the Governor,~~ if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, ~~consisting of members appointed by the Governor,~~ if the board, commission or committee has at least two members who are not employed by the public officer or entity; ~~and~~

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201 ~~†~~; *and*

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body or working group to make a recommendation to the public body for the public body to take any action.

5. “Quorum” means a simple majority of the membership of a public body or another proportion established by law.

6. *“Supporting material” means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to ~~make a decision.~~ deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.*

7. “Working day” means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 6. ~~NRS 241.020 is hereby amended to read as follows:~~

~~241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend. 2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:~~

~~(a) The time, place and location of the meeting;~~

~~(b) A list of the locations where the notice has been posted;~~

~~(c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 6 and a list of the locations where the supporting material is available to the public;~~

~~(d) An agenda consisting of:~~

~~(1) A clear and complete statement of the topics scheduled to be considered during the meeting;~~

~~(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term “for possible action” next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term “for possible corrective action” next to the appropriate item;~~

~~(3) An item on which action may be taken requiring the approval of the meeting agenda before proceeding with any other item on which action may be taken. If a quorum does not approve the agenda during discussion of the item requiring the approval of the meeting agenda, the chair must end the meeting;~~

~~(4) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken;~~

~~(l) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or~~

~~— (II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item;~~

~~→ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).~~

~~— [(4)] (5) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.~~

~~— [(5)] (6) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.~~

~~— [(6)] (7) Notification that:~~

~~— (I) Items on the agenda may be taken out of order [;] **at the discretion of the chair;**~~

~~— (II) The public body may, **at the discretion of the chair,** combine two or more agenda items for consideration; and~~

~~— (III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda [at any time;~~

~~— (7)] **if the public body takes action to remove the item when the public body approves the agenda pursuant to subparagraph (3).**~~

~~— (8) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.~~

~~— 3. Minimum public notice is:~~

~~— (a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;~~

~~— (b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and~~

~~— (c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after~~

it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

~~— (1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or~~

~~— (2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.~~

~~— 4. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 3. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:~~

~~— (a) The date and time when the person posted the copy of the public notice;~~

~~— (b) The address of the location where the person posted the copy of the public notice; and~~

~~— (c) The name, title and signature of the person who posted the copy of the notice.~~

~~— 5. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.~~

~~— 6. Upon any request, a public body shall provide, at no charge, at least one copy of:~~

~~— (a) An agenda for a public meeting;~~

~~— (b) A proposed ordinance or regulation which will be discussed at the public meeting; and~~

~~— (c) Subject to the provisions of subsection 7 or 8, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:~~

~~— (1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;~~

~~— (2) Pertaining to the closed portion of such a meeting of the public body;~~

~~or~~

~~— (3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.~~

~~→ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.~~

~~7. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 6 must be:~~

~~(a) If the supporting material is provided to *at least a quorum of* the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or~~

~~(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.~~

~~* If the requester has agreed to receive the information and material set forth in subsection 6 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.~~

~~8. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 6 to its website not later than the time the material is provided to *at least a quorum of* the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 6. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.~~

~~9. A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.~~

~~10. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:~~

~~(a) Disasters caused by fire, flood, earthquake or other natural causes; or~~

~~(b) Any impairment of the health and safety of the public.] (Deleted by amendment.)~~

Sec. 6.5. NRS 241.033 is hereby amended to read as follows:

241.033 1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section:

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a ~~closed~~ meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) A meeting held to recognize or award positive achievements of a person, including, without limitation, honors, awards, tenure and commendations, is not subject to the notice requirements otherwise imposed by this section.

Sec. 7. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

↳ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

2. ~~[A transcript of a public body meeting prepared by a court reporter who is certified pursuant to chapter 656 of NRS qualifies as written minutes of the meeting.]~~

~~3.]~~ Minutes of public meetings are public records. Minutes ~~[for draft minutes, as applicable,]~~ or an audio recording of a meeting made in accordance with subsection 4 ~~[5]~~ must be made available for inspection by the public within 30 working days after adjournment of the meeting. ~~▲ [If a public body does not approve the minutes of a public meeting within 30 working days after adjournment of the meeting, a provisional version of the minutes clearly marked “draft” must be made available for inspection by the public until the public body approves the minutes of the public meeting. The public body must make a]~~ copy of the minutes ~~[for draft minutes, as applicable,]~~ or audio recording must be made available to a member of the public upon request at no charge. The [All] minutes ~~[of a meeting of a public body, including, without limitation, draft versions of minutes,]~~ shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records ~~[if and]~~ when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records ~~[if and]~~ when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records ~~[if and]~~ when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. [4.] All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. [5.] Except as otherwise provided in subsection ~~[7, 9,]~~ 8, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least ~~1 year~~ 3 years after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

~~5. 16.1~~ The requirement set forth in subsection ~~2~~ 13 that a public body make available a copy of the minutes ~~for draft minutes, if applicable,~~ or audio recording of a meeting to a member of the public upon request at no charge does not ~~1~~

~~(a) Prohibit~~ **prohibit** a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting. ~~1; or~~

~~(b) Require a~~

~~17.1~~ 6. A court reporter who transcribes a meeting *is not required* to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter *directly* to a member of the public at no charge.

~~16.8.1~~ 7. Except as otherwise provided in subsection ~~7.9.1~~ 8., any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection ~~2~~ 13 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

~~17.9.1~~ 8. If a public body makes a good faith effort to comply with the provisions of subsections ~~4~~ 15 and ~~16.8.1~~ 7 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

~~Sec. 8. NRS 241.0365 is hereby amended to read as follows:~~

~~241.0365 1. Except as otherwise provided in subsection 4, if a public body, after providing the notice described in subsection 2, takes action in conformity with this chapter to correct an alleged violation of this chapter within 30 days after the alleged violation, the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines foregoing prosecution would be in the best interests of the public.~~

~~2. Except as otherwise provided in subsection 4, before taking any action to correct an alleged violation of this chapter, the public body must include an item on the agenda posted for the meeting at which the public body intends to take the corrective action in conformity with this chapter. The inclusion of an item on the agenda for a meeting of a public body pursuant to this subsection is not an admission of wrongdoing for the purposes of civil action, criminal prosecution or injunctive relief.~~

~~3. For purposes of subsection 1, [the] any period of limitations set forth in subsection 3 of NRS 241.037 by which the Attorney General may bring suit is tolled for [30] 60 days.~~

~~4. The provisions of this section do not prohibit a public body from taking action in conformity with this chapter to correct an alleged violation of the provisions of this chapter before the adjournment of the meeting at which the alleged violation occurs.~~

~~5. Any action taken by a public body to correct an alleged violation of this chapter by the public body is effective prospectively.] (Deleted by amendment.)~~

Sec. 9. ~~NRS 241.037 is hereby amended to read as follows:~~

~~241.037 1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:~~

~~(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.~~

~~(b) Does not relieve any person from criminal prosecution for the same violation.~~

~~2. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.~~

~~3. Except as otherwise provided in NRS 241.0365:~~

~~(a) Any suit brought against a public body pursuant to subsection 1 or 2 to require compliance with the provisions of this chapter must be commenced, **except as otherwise provided in this paragraph**, within 120 days after the action objected to was taken by that public body in violation of this chapter. **If, within 120 days after the action objected to was taken by the public body, the Attorney General issues findings of fact and conclusions of law that the public body violated a provision of this chapter, such a suit may be brought against the public body within 120 days after the date that the Attorney General issues the findings of fact and conclusions of law.**~~

~~(b) Any such suit brought to have an action declared void must be commenced, **except as otherwise provided in this paragraph**, within 60 days after the action objected to was taken. **If, within 60 days after the action objected to was taken by the public body, the Attorney General issues findings of fact and conclusions of law that the public body violated a provision of this chapter, such a suit may be brought against the public body within 60 days after the date that the Attorney General issues the findings of fact and conclusions of law.] (Deleted by amendment.)**~~

Sec. 10. NRS 241.039 is hereby amended to read as follows:

241.039 1. A complaint that alleges a violation of this chapter may be filed with the Office of the Attorney General. **The Office of the Attorney General shall notify a public body identified in a complaint of the alleged violation not more than 14 days after the complaint is filed.**

2. Except as otherwise provided in **subsection 3 and** NRS 241.0365, the Attorney General ~~shall~~:

(a) **Shall** investigate and prosecute any violation of this chapter ~~if~~ **alleged in a complaint filed not later than 120 days after the alleged violation with the Office of the Attorney General.**

(b) **Except as otherwise provided in paragraph (c), shall not investigate and prosecute any violation of this chapter alleged in a complaint filed with the Office of the Attorney General later than 120 days after the alleged violation.**

~~(c) May, at his or her discretion, investigate and prosecute any violation of this chapter alleged in a complaint filed more than 120 days after the alleged violation with the Office of the Attorney General if:~~

~~(1) The alleged violation was not discoverable at the time that the alleged violation occurred; and~~

~~(2) The complaint is filed not more than 1 year after the alleged violation with the Office of the Attorney General.~~

3. **The Attorney General is not required to investigate or prosecute any violation of this chapter if the Attorney General believes that a complaint has been filed in bad faith or by a person whose interests are not significantly affected by the action of the public body.**

4. Except as otherwise provided in subsection ~~4~~ 7 and NRS 239.0115, all documents and other information compiled as a result of an investigation conducted pursuant to subsection 2 are confidential until the investigation is closed.

~~4~~ 5. In any investigation conducted pursuant to subsection 2, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

~~5~~ 6. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

~~6~~ 7. The following are public records:

(a) A complaint filed pursuant to subsection 1.

(b) Every finding of fact or conclusion of law made by the Attorney General relating to a complaint filed pursuant to subsection 1.

(c) Any document or information compiled as a result of an investigation conducted pursuant to subsection 2 that may be requested pursuant to NRS 239.0107 from a governmental entity other than the Office of the Attorney General.

~~7~~ 8. **Upon completion of an investigation conducted pursuant to subsection 2, the Attorney General shall inform the public body that is the subject of the investigation and issue, as applicable:**

- (a) *A finding that no violation of this chapter occurred; or*
- (b) *A finding that a violation of this chapter occurred, along with findings of fact and conclusions of law that support the finding that a violation of this chapter occurred.*

~~§ 9.~~ *A public body or, if authorized by the public body, an attorney employed or retained by the public body, shall submit a response to the Attorney General not later than ~~14~~ 30 days after receipt of any finding that the public body violated this chapter. If the ~~public body does not submit a response to the~~ Attorney General does not receive a response within ~~14~~ 30 days after receipt of the finding, it shall be deemed that the public body ~~agrees~~ disagrees with the finding of the Attorney General.*

Sec. 11. NRS 241.0395 is hereby amended to read as follows:

241.0395 1. If the Attorney General makes findings of fact and conclusions of law that a public body has ~~taken action in violation of~~ *violated* any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the existence of the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 12. NRS 241.040 is hereby amended to read as follows:

241.040 1. ~~Each~~ *Except as otherwise provided in subsection 6, each* member of a public body who attends a meeting of that public body where ~~action is taken in violation of~~ any ~~provision~~ *violation* of this chapter ~~with~~ *occurs, and* has knowledge of the ~~fact that the meeting is in violation thereof~~ *violation ~~of~~ and participates in the violation,* is guilty of a misdemeanor.

2. ~~Wrongful~~ *Except as otherwise provided in subsection 6, wrongful* exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which ~~action is taken in~~ a violation of this chapter *occurs* is not the accomplice of any other member so attending.

4. ~~In~~ *Except as otherwise provided in subsection 6, in* addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where ~~action is taken in violation of~~ any ~~provision~~ *violation* of this chapter ~~of~~ *occurs* and who participates in such ~~action the meeting~~ *violation* with knowledge of the violation, is subject to ~~a civil penalty~~ *an administrative fine* in an amount not to exceed :

(a) *For a first offense, \$500* ~~The Attorney General may recover the penalty~~ ;

(b) *For a second offense, \$1,000; and*

(c) *For a third or subsequent offense, \$2,500.*

5. ~~[A member of a public body assessed an administrative fine pursuant to this section may contest the fine.] The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year [6 months] after the [date of the action taken in violation of this chapter.] fine is assessed.~~

6. ~~No criminal penalty or administrative fine may be imposed upon a member of a public body pursuant to this section if ~~f~~~~

~~—(a) A] a member of a public body violates a provision of this chapter as a result of legal advice provided by an attorney employed or retained by the public body. ~~f~~ and~~

~~—(b) The attorney acknowledges in writing that he or she provided legal advice to the member that resulted in the member violating a provision of this chapter.]~~

Sec. 13. ~~[NRS 1A.100 is hereby amended to read as follows:~~

~~—1A.100— 1. A system of retirement providing benefits for the retirement, disability or death of all justices of the Supreme Court, judges of the Court of Appeals and district judges, and certain justices of the peace and municipal judges, and funded on an actuarial reserve basis is hereby established and must be known as the Judicial Retirement System.~~

~~—2— The System consists of the Judicial Retirement Plan and the provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing benefits to justices of the Supreme Court, judges of the Court of Appeals or district judges who served either as a justice of the Supreme Court or district judge before November 5, 2002. Each justice of the Supreme Court, judge of the Court of Appeals or district judge who is not a member of the Public Employees' Retirement System is a member of the Judicial Retirement System.~~

~~—3— The official correspondence and records, other than the files of individual members of the System or retired justices or judges, and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~—4— The System must be administered exclusively by the Board, which shall make all necessary rules and regulations for the administration of the System. The rules must include, without limitation, rules relating to the administration of the retirement plans in accordance with federal law. The Legislature shall regularly review the System.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 244A.611 is hereby amended to read as follows:~~

~~—244A.611— 1. The board shall choose one of its members as chair and one of its members as vice chair, and shall elect a secretary and a treasurer, who may be members of the board. The secretary and the treasurer may be one person.~~

~~2. The secretary shall keep audio recordings or transcripts of all meetings and, in a well bound book, a record of all of the proceedings of the board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all owners of real property in the county as well as to all other interested persons, at all reasonable times and places. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~3. The treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the board and the county. The treasurer shall file with the county clerk, at county expense, a corporate fidelity bond in an amount not less than \$5,000, conditioned for the faithful performance of his or her duties.~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 266.250 is hereby amended to read as follows:~~

~~266.250 1. The deliberations, sessions and proceedings of the city council must be public.~~

~~2. The city council shall keep written minutes and audio recordings or transcripts of its own proceedings as required pursuant to NRS 241.035. The yeas and nays must be taken upon the passage of all ordinances, and all propositions to create any liability against the city, or to grant, deny, increase, decrease, abolish or revoke licenses, and in all other cases at the request of any member of the city council or of the mayor, which yeas and nays must be entered in the minutes of its proceedings. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~3. The affirmative vote of a majority of all the members elected to the city council is necessary to pass any such ordinance or proposition.~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 278.290 is hereby amended to read as follows:~~

~~278.290 1. Meetings of the board must be held at the call of the chair and at such other times as the board may determine. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the board must be open to the public.~~

~~2. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to NRS 278.010 to 278.630, inclusive.~~

~~3. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and audio recordings or transcripts of its proceedings, and shall keep records of its examinations and other official actions, all of which must be filed immediately in the office of the board and, except as otherwise provided in NRS 241.035, are public records. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the~~

~~public upon request at no charge pursuant to NRS 241.035.] **(Deleted by amendment.)**~~

~~Sec. 17. [NRS 284.055 is hereby amended to read as follows:~~

~~—284.055— 1. The members of the Commission may meet at the times and places specified by the call of the Chair or a majority of the Commission, but a meeting of the Commission must be held regularly at least once every 3 months.~~

~~—2. Five members of the Commission constitute a quorum. A majority vote of the five members of the Commission is required for any official action taken by the Commission, including, without limitation:~~

~~—(a) To adopt, amend or rescind a regulation of the Commission; and~~

~~—(b) To decide an appeal to the Commission made by an employee in the public service of the State.~~

~~—3. If an alternate member attends a meeting of the Commission in place of the regular member, the alternate member fully assumes the duties, rights and responsibilities of the replaced regular member for the duration of that meeting and is entitled to the compensation, allowances and expenses otherwise payable for members who attend the meeting.~~

~~—4. The Commission shall keep minutes and audio recordings or transcripts of the transactions of each meeting. Except as otherwise provided in NRS 241.035, the minutes, audio recordings and transcripts are public records and must be filed with the Division. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.] **(Deleted by amendment.)**~~

~~Sec. 18. [NRS 286.110 is hereby amended to read as follows:~~

~~—286.110— 1. A system of retirement providing benefits for the retirement, disability or death of employees of public employers and funded on an actuarial reserve basis is hereby established and must be known as the Public Employees' Retirement System. The System is a public agency supported by administrative fees transferred from the retirement funds. The Executive and Legislative Departments of the State Government shall regularly review the System.~~

~~—2. The System is entitled to use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration, but is not required to use any other service. The purpose of this subsection is to provide to the Board the necessary autonomy for an efficient and economic administration of the System and its program.~~

~~—3. The official correspondence and records, other than the files of individual members or retired employees, and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~4. The respective participating public employers are not liable for any obligation of the System. (Deleted by amendment.)~~

~~Sec. 19. [NRS 287.0438 is hereby amended to read as follows:~~

~~287.0438 Except for the files of individual members and former members, the correspondence, files, minutes, audio recordings, transcripts and books of the Program are, except as otherwise provided in NRS 241.035, public records. A copy of the minutes or draft minutes, as applicable, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.] (Deleted by amendment.)~~

~~Sec. 20. [NRS 318.085 is hereby amended to read as follows:~~

~~318.085 Except as otherwise provided in NRS 318.0953 and 318.0953:~~

~~1. After taking oaths and filing bonds, the board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.~~

~~2. The board shall adopt a seal.~~

~~3. The secretary shall keep audio recordings or transcripts of all meetings and, in a well-bound book, a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the book, audio recordings, transcripts and records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or draft minutes, as applicable, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the county clerk, at the expense of the district, a corporate surety bond in an amount not more than \$50,000, the form and exact amount thereof to be approved and determined, respectively, by the board of county commissioners, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The board of county commissioners may, upon good cause shown, increase or decrease the amount of that bond.~~

~~5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized or reorganized pursuant to this chapter may receive as compensation for his or her service not more than \$6,000 per year. Each member of a board of trustees of a district that is organized or reorganized pursuant to this chapter and which is granted the powers set forth in NRS 318.140, 318.142 and 318.144 may receive as compensation for his or her service not more than \$9,000 per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the~~

~~district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in NRS 318.095.]~~
(Deleted by amendment.)

Sec. 21. ~~[NRS 318A.190 is hereby amended to read as follows:~~

~~318A.190 1. The board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.~~

~~2. The board shall adopt a seal.~~

~~3. The secretary shall keep a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes *or draft minutes, as applicable*, or audio recordings, if any, must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. The treasurer shall file with the clerk, at the expense of the district, a corporate surety bond in an amount not more than \$50,000, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The governing body may, upon good cause shown, increase or decrease the amount of that bond.~~

~~5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized pursuant to this chapter may receive as compensation for his or her service not more than \$6,000 per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in NRS 318A.210.]~~ **(Deleted by amendment.)**

Sec. 22. ~~[NRS 361.365 is hereby amended to read as follows:~~

~~361.365 1. Each county board of equalization shall, at the expense of the county, cause complete minutes and an audio recording or transcript to be taken at each hearing. In addition to the requirements of NRS 241.035, these minutes must include the title of all exhibits, papers, reports and other~~

documentary evidence submitted to the county board of equalization by the complainant. The clerk of the county board of equalization shall forward the minutes and audio recordings or transcripts to the Secretary of the State Board of Equalization. A copy of the minutes ~~or draft minutes, as applicable,~~ or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

~~2. If a transcript of any hearing held before the county board of equalization is requested by the complainant, he or she shall furnish the reporter, pay for the transcript and deliver a copy of the transcript to the clerk of the county board of equalization and the Secretary of the State Board of Equalization upon filing an appeal. (Deleted by amendment.)~~

Sec. 23. [NRS 384.070 is hereby amended to read as follows:

~~384.070 1. The Commission may establish and maintain an office in Virginia City, Storey County, Nevada, in which, except as otherwise provided in NRS 241.035, there must be at all times open to public inspection a complete record of applications for certificates of appropriateness and their disposition, minutes and audio recordings or transcripts of the Commission's meetings, and any regulations adopted by the Commission. A copy of the minutes ~~or draft minutes, as applicable,~~ or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~2. The Commission shall maintain a library in the office for the purpose of guiding applicants in their design or embellishment of the exterior of their buildings, new or remodeled. The library must consist of, but not be limited to, documents, paintings, photographs, drawings and histories descriptive of the period which are deemed appropriate guidelines to the applicant. A card index system must also be made and maintained for reference to more comprehensive information in libraries other than the one maintained by the Commission. (Deleted by amendment.)~~

Sec. 24. [NRS 422.2369 is hereby amended to read as follows:

~~422.2369 1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the Division is responsible, the Administrator must give at least 30 days' notice of the intended action.~~

~~2. The notice of intent to act upon a regulation must:~~

~~(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;~~

~~(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government;~~

~~(c) State each address at which the text of the proposed regulation may be inspected and copied.~~

~~—(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Administrator for that purpose.~~

~~—3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The Administrator shall consider fully all oral and written submissions relating to the proposed regulation.~~

~~—4. The Administrator shall keep, retain and make available for public inspection written minutes and an audio recording or transcript of each public hearing held pursuant to this section in the manner provided in NRS 241.035. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~—5. An objection to any regulation on the ground of noncompliance with the procedural requirements of this section may not be made more than 2 years after its effective date. (Deleted by amendment.)~~

Sec. 25. [NRS 422A.190 is hereby amended to read as follows:

~~—422A.190—1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the Division is responsible, the Administrator must give at least 30 days' notice of the intended action.~~

~~—2. The notice of intent to act upon a regulation must:~~

~~—(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;~~

~~—(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government;~~

~~—(c) State each address at which the text of the proposed regulation may be inspected and copied.~~

~~—(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Administrator for that purpose.~~

~~—3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The Administrator shall consider fully all oral and written submissions relating to the proposed regulation.~~

~~—4. The Administrator shall keep, retain and make available for public inspection written minutes and an audio recording or transcript of each public hearing held pursuant to this section in the manner provided in NRS 241.035. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~5. No objection to any regulation on the ground of noncompliance with the procedural requirements of this section may be made more than 2 years after its effective date. (Deleted by amendment.)~~

Sec. 26. ~~[NRS 541.110 is hereby amended to read as follows:~~

~~541.110 1. Each director before entering upon his or her official duties shall take and subscribe to an oath, before a person authorized to administer oaths, that he or she will support the Constitutions of the United States and the State of Nevada and will honestly, faithfully and impartially perform the duties of the office.~~

~~2. Upon taking oath, the board shall choose one of their number chair of the board and president of the district, and shall elect some suitable person secretary of the board and of the district, who may or may not be a member of the board. The board shall adopt a seal and shall keep audio recordings or transcripts of all meetings and, in a well bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts, which, except as otherwise provided in NRS 241.035, must be open to inspection of all owners of property in the district, as well as to all other interested persons. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~3. Each member of the board is entitled to receive as compensation for his or her service such sum as may be ordered by the board, not in excess of the sum of \$80 per day and actual traveling expenses for each day spent attending meetings of the board or while engaged in official business under the order of the board. (Deleted by amendment.)~~

Sec. 27. ~~[NRS 543.330 is hereby amended to read as follows:~~

~~543.330 1. The board shall meet in July of each year to organize and choose one of its members as chair of the board and president of the district, and elect a secretary of the board and of the district, who may or may not be a member of the board.~~

~~2. The county treasurer is the treasurer of the board and of the district.~~

~~3. The secretary shall keep audio recordings or transcripts of all meetings and, in a well bound book, a record of all of the board's proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which, except as otherwise provided in NRS 241.035, must be open to inspection by all owners of real property in the district as well as other interested persons. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records.~~

~~5. No member of the board may receive compensation for the member's services, but members may be reimbursed for their necessary expenses in attending district meetings and for necessary expenses incurred in traveling~~

~~within and without the State when required to carry out the affairs of the district.] (Deleted by amendment.)~~

~~Sec. 28. [NRS 561.095 is hereby amended to read as follows:~~

~~—561.095— 1. The members of the Board may meet at such times and at such places as may be specified by the call of the Chair or a majority of the Board, and a meeting of the Board may be held regularly at least once every 3 months. In case of an emergency, special meetings may be called by the Chair or by the Director.~~

~~—2— Six members of the Board constitute a quorum. A quorum may exercise all the authority conferred on the Board.~~

~~—3— Minutes and audio recordings or transcripts of each meeting, regular or special, must be filed with the Department and, except as otherwise provided in NRS 241.035, are public records. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.] (Deleted by amendment.)~~

~~Sec. 29. [NRS 590.505 is hereby amended to read as follows:~~

~~—590.505— 1. The Board may adopt a seal for its own use which must have imprinted thereon the words “Board for the Regulation of Liquefied Petroleum Gas.” The care and custody of the seal is the responsibility of the Secretary-Treasurer of the Board.~~

~~—2— The Board may appoint an Executive Secretary and may employ or, pursuant to NRS 333.700, contract with such other technical, clerical or investigative personnel as it deems necessary. The Board shall fix the compensation of the Executive Secretary and all other employees and independent contractors. Such compensation must be paid out of the money of the Board. The Board may require the Executive Secretary and any other employees and independent contractors to give a bond to the Board for the faithful performance of their duties, the premiums on the bond being paid out of the money of the Board.~~

~~—3— In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and holding its regular or special meetings, the Board:~~

~~—(a) Shall adopt written policies setting forth procedures and methods of operation for the Board.~~

~~—(b) May adopt such regulations as it deems necessary.~~

~~—4— The Board shall keep accurate records, minutes and audio recordings or transcripts of all meetings and, except as otherwise provided in NRS 241.035, the records, minutes, audio recordings and transcripts so kept must be open to public inspection at all reasonable times. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035. The Board shall also keep a record of all applications for licenses and licenses issued by it. The record of applications and licenses is a public record.] (Deleted by amendment.)~~

Sec. 30. ~~[Section 7 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as last amended by chapter 98, Statutes of Nevada 2013, at page 334, is hereby amended to read as follows:~~

~~—Sec. 7. 1. The Board shall elect a Chair, Vice Chair, Secretary and Treasurer, who must be members of the Board. The Secretary and the Treasurer may be one person. The terms of the officers expire on the date their successors are elected and qualified in the general election.~~

~~—2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well bound book, a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~—3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority. The Treasurer shall file with the County Clerk, at Authority expense, a corporate fidelity bond in an amount not less than \$25,000, conditioned for the faithful performance of his or her duties.]~~
(Deleted by amendment.)

Sec. 31. ~~[Section 6 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as last amended by chapter 98, Statutes of Nevada 2013, at page 334, is hereby amended to read as follows:~~

~~—Sec. 6. 1. The Board shall elect a Chair, Vice Chair, Secretary and Treasurer from its members. The Secretary and the Treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year.~~

~~—2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. Except as otherwise provided in NRS 241.035, the records must be open to the inspection of all interested persons, at a reasonable time and place. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~—3. The Treasurer shall keep an accurate account of all money received by and disbursed on behalf of the Board and the Authority. The Treasurer shall file with the Clerk of Carson City, at the expense of the Authority, a fidelity bond in an amount not less than \$10,000, conditioned for the faithful performance of his or her duties.]~~
(Deleted by amendment.)

~~Sec. 32. [Section 7 of the Reno Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 98, Statutes of Nevada 2013, at page 334, is hereby amended to read as follows:~~

~~—Sec. 7. 1. The Board shall choose one of its members as Chair and one of its members as Vice Chair, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the Treasurer may be one person. The terms of the officers expire on July 1 of each year.~~

~~—2. Chairs must be selected from trustees appointed by the participating local governments in the following order:~~

~~—(a) The City of Reno;~~

~~—(b) The City of Sparks;~~

~~—(c) Washoe County; and~~

~~—(d) The County Fair and Recreation Board of Washoe County.~~

~~—3. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well bound book, a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~—4. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority. The Treasurer shall file with the County Clerk, at Authority expense, a corporate fidelity bond in an amount not less than \$25,000, conditioned for the faithful performance of his or her duties.]~~

~~(Deleted by amendment.)~~

~~Sec. 33. [Section 9.5 of Reno Tahoe Airport Authority Act, being chapter 369, Statutes of Nevada 2005, as amended by chapter 98, Statutes of Nevada 2013, at page 335, is hereby amended to read as follows:~~

~~—Sec. 9.5. 1. Except as otherwise determined by the Board or provided in subsection 2, the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, acquisition, works or improvements, including, without limitation, the provisions of chapters 332, 338 and 339 of NRS, do not apply to any contract entered into by the Board if the Board:~~

~~—(a) Complies with the provisions of subsection 3; and~~

~~—(b) Finances the contract, project, acquisition, works or improvement by means of:~~

~~—(1) Revenue bonds issued by the Authority; or~~

~~—(2) An installment obligation of the Authority in a transaction in which:~~

~~(I) The Authority acquires real or personal property and another person acquires or retains a security interest in that or other property; and~~

~~(II) The obligation by its terms is extinguished by failure of the Board to appropriate money for the ensuing fiscal year for payment of the amounts then due.~~

~~2. A contract entered into by the Board pursuant to this section must:~~

~~(a) Contain a provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work performed pursuant to the contract; and~~

~~(b) If the contract is with a design professional who is not a member of a design-build team, comply with the provisions of NRS 338.155. As used in this paragraph, "design professional" has the meaning ascribed to it in subsection 7 of NRS 338.010.~~

~~3. For contracts entered into pursuant to this section that are exempt from the provisions of chapters 332, 338 and 339 of NRS pursuant to subsection 1, the Board shall adopt regulations pursuant to subsection 4 which establish:~~

~~(a) One or more competitive procurement processes for letting such a contract; and~~

~~(b) A method by which a bid on such a contract will be adjusted to give a 5 percent preference to a contractor who would qualify for a preference pursuant to NRS 338.147, if:~~

~~(1) The estimated cost of the contract exceeds \$250,000; and~~

~~(2) Price is a factor in determining the successful bid on the contract.~~

~~4. The Board:~~

~~(a) Shall, before adopting, amending or repealing a permanent or temporary regulation pursuant to subsection 3, give at least 30 days' notice of its intended action. The notice must:~~

~~(1) Include:~~

~~(I) A statement of the need for and purpose of the proposed regulation.~~

~~(II) Either the terms or substance of the proposed regulation or a description of the subjects and issues involved.~~

~~(III) The estimated cost to the Board for enforcement of the proposed regulation.~~

~~(IV) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.~~

~~(V) A statement indicating whether the regulation establishes a new fee or increases an existing fee.~~

~~(2) State each address at which the text of the proposed regulation may be inspected and copied.~~

~~(3) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the Authority for that purpose.~~

~~—(b) May adopt, if it has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this subsection, after providing a second notice and the opportunity for a hearing, a permanent regulation.~~

~~—(c) Shall, in addition to distributing the notice to each recipient of the Board's regulations, solicit comment generally from the public and from businesses to be affected by the proposed regulation.~~

~~—(d) Shall, before conducting a workshop pursuant to paragraph (g), determine whether the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the Board determines that such an impact is likely to occur, the Board shall:~~

~~—(1) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.~~

~~—(2) Consider methods to reduce the impact of the proposed regulation on small businesses.~~

~~—(3) Prepare a small business impact statement and make copies of the statement available to the public at the workshop conducted pursuant to paragraph (g) and the public hearing held pursuant to paragraph (h).~~

~~—(e) Shall ensure that a small business impact statement prepared pursuant to subparagraph (3) of paragraph (d) sets forth the following information:~~

~~—(1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.~~

~~—(2) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:~~

~~—(I) Both adverse and beneficial effects; and~~

~~—(II) Both direct and indirect effects.~~

~~—(3) A description of the methods that the Board considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the Board actually used any of those methods.~~

~~—(4) The estimated cost to the Board for enforcement of the proposed regulation.~~

~~—(5) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the Board expects to collect and the manner in which the money will be used.~~

~~—(f) Shall afford a reasonable opportunity for all interested persons to submit data, views or arguments upon the proposed regulation, orally or in writing.~~

~~—(g) Shall, before holding a public hearing pursuant to paragraph (h), conduct at least one workshop to solicit comments from interested persons on the proposed regulation. Not less than 15 days before the workshop, the Board shall provide notice of the time and place set for the workshop.~~

~~— (1) In writing to each person who has requested to be placed on a mailing list; and~~

~~— (2) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.~~

~~— (h) Shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the Board may proceed immediately to act upon any written submissions. The Board shall consider fully all written and oral submissions respecting the proposed regulation.~~

~~— (i) Shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to paragraph (h) in the manner provided in subsections 1 and [2] 3 of NRS 241.035. A copy of the minutes *or draft minutes, as applicable*, must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~— (j) May record each public hearing held pursuant to paragraph (h) and make those recordings available for public inspection in the manner provided in subsection [4] 5 of NRS 241.035. A copy of the audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~— (k) Shall ensure that a small business which is aggrieved by a regulation adopted pursuant to this subsection may object to all or a part of the regulation by filing a petition with the Board within 90 days after the date on which the regulation was adopted. Such petition may be based on the following:~~

~~— (1) The Board failed to prepare a small business impact statement as required pursuant to subparagraph (3) of paragraph (d); or~~

~~— (2) The small business impact statement prepared by the Board did not consider or significantly underestimated the economic effect of the regulation on small businesses.~~

~~— After receiving a petition pursuant to this paragraph, the Board shall determine whether the petition has merit. If the Board determines that the petition has merit, the Board may, pursuant to this subsection, take action to amend the regulation to which the small business objected.~~

~~— 5. The determinations made by the Board pursuant to this section are conclusive unless it is shown that the Board acted with fraud or a gross abuse of discretion.] **(Deleted by amendment.)**~~

Sec. 34. ~~[Section 9 of the Elko Convention and Visitors Authority Act, being chapter 227, Statutes of Nevada 1975, as last amended by chapter 98, Statutes of Nevada 2013, at page 338, is hereby amended to read as follows:~~

~~— Sec. 9. 1. The Board shall adopt a seal, establish a principal place of business and adopt, and thereafter from time to time amend, if necessary, appropriate rules and regulations not inconsistent with this act for carrying on the business and affairs of the Board and of the Authority.~~

~~Each member shall, upon election or acceptance of his or her appointment, file with the Clerk of Elko County his or her oath of office.~~

~~—2. No member may receive any compensation as an employee of the Board or otherwise, and a member of the Board shall not be interested in any contract or transaction with the Board except in his or her official representative capacity.~~

~~—3. At the first meeting of the Board following each general authority election, the Board shall choose one of its members as Chair and one of its members as Vice Chair, and shall appoint or hire a Secretary and a Treasurer, who must not be members of the Board. The Secretary and Treasurer may not be one person.~~

~~—4. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records are open to the inspection of all interested persons, at all reasonable times and places. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~—5. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board. The Treasurer shall file with the County Clerk, at the Authority's expense, a corporate fidelity bond in an amount not less than \$5,000, conditioned on the faithful performance of the duties of the Treasurer.~~

~~—6. The Board shall appoint the Elko County Treasurer and Auditor to act as Treasurer and Auditor of the Authority. The Treasurer and Auditor may employ such persons as are necessary to carry out the duties of the Treasurer and Auditor of the Authority. The Board shall determine the salary of each person employed pursuant to this subsection. The salaries and expenses of the employees must be paid by the Board from the money of the Authority.~~

~~—7. The Board shall meet regularly at a time and in a place to be designated by it. Special meetings may be held as often as the needs of the Board require, on notice to each Board member.~~

~~—8. The Board may require from an officer or employee of the Authority, except a member of the Board, sufficient security for the faithful and honest performance of his or her duties. A blanket fidelity bond or blanket position bond, or other type of bond suitable for public employees or officers, may be furnished at the expense of the Authority for an officer or employee of the Authority, in an amount set by the Board and conditioned on the faithful and honest performance of his or her duties. } (Deleted by amendment.)~~

Sec. 35. ~~{Section 4 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993,~~

as last amended by chapter 62, Statutes of Nevada 2017, at page 242, is hereby amended to read as follows:

~~—Sec. 4. 1. The commissioner appointed pursuant to paragraph (b) or (d) of subsection 1 of section 3 of this act shall file his or her oath of office with the county clerk of Storey County, and all other commissioners shall file their oaths of office with the Clerk of Carson City.~~

~~—2. The commissioners must serve without compensation, but a commissioner may be reimbursed for expenses actually incurred for travel authorized by the Commission.~~

~~—3. The Commission shall elect a Chair, Vice Chair, Secretary and Treasurer from among its members. The Secretary and the Treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year.~~

~~—4. The Secretary shall maintain audio recordings or transcripts of all meetings of the Commission and a record of all of the proceedings of the Commission, minutes of all meetings, certificates, contracts and other acts of the Commission. Except as otherwise provided in NRS 241.035, the records must be open to the inspection of all interested persons at a reasonable time and place. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~—5. The Treasurer shall keep an accurate account of all money received by and disbursed on behalf of the Commission. The Treasurer shall file with the Clerk of Carson City, at the expense of the Commission, a fidelity bond in an amount not less than \$10,000, conditioned for the faithful performance of his or her duties.] (Deleted by amendment.)~~

Sec. 36. ~~[Section 27 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, as amended by chapter 98, Statutes of Nevada 2013, at page 340, is hereby amended to read as follows:~~

~~—Sec. 27. 1. The Board shall elect one of its members as Chair and one of its members as Vice Chair, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the Treasurer may be the same person. The terms of the officers expire on December 31 of each year.~~

~~—2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places. A copy of the minutes *or draft minutes, as applicable*, or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.~~

~~3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Regional Water Commission. (Deleted by amendment.)~~

Sec. 37. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.] (Deleted by amendment.)~~

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 615.

AN ACT relating to criminal defense; creating the Office of Indigent Defense Services within the Office of the Governor to oversee criminal defense services provided to indigent persons in this State; creating the Board on Indigent Defense Services consisting of various appointed persons to oversee the Executive Director of the Office and to establish certain policies; requiring the Board on Indigent Defense Services to establish the maximum amount a county may be required to pay for the provision of indigent defense services; authorizing the Board to adopt regulations governing indigent defense services; providing for the transfer of responsibility for the provision of indigent defense services from ~~the county~~ certain counties to the State Public Defender in certain circumstances; allowing such services to be transferred back to the county in certain circumstances; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 377 of the 2017 Legislative Session created the Nevada Right to Counsel Commission consisting of 13 voting members appointed by the Governor, the Legislature and the Nevada Supreme Court. The Chief Justice of the Supreme Court or his or her designee was to serve as an ex officio nonvoting member of the Commission. The Commission was charged with conducting a study during the 2017-2019 interim concerning issues relating to the provision of legal representation of indigent persons in criminal cases in this State. (Chapter 460, Statutes of Nevada 2017, p. 2940) The Commission is set to expire on July 1, 2019. In its place, **section 6** of this bill creates ~~the~~ the Board on Indigent Defense Services ~~with~~ and designates the manner in which members must be appointed. ~~[in the same manner as the Commission, except that: (1) no member may be a Legislator or other state officer or employee; and (2) the Governor may appoint up to two additional nonvoting members.]~~ Members of the Board serve without compensation, except for per diem allowance and travel expenses. **Section 7** of this bill provides for the organization of the Board, whose voting members will serve for terms of ~~2~~ 3 years and may be reappointed. Voting members may be removed by the

Governor for incompetence, neglect of duty and certain acts. **Section 8** of this bill sets forth the duties of the Board, which include overseeing the Executive Director of the Office of Indigent Defense Services, which is created in **section 9** of this bill within the Office of the Governor. The Executive Director of the Office serves at the pleasure of the Board. The Board is required to review information concerning indigent defense services in the State and establish: (1) minimum standards for the delivery of indigent defense services; and (2) procedures for receiving and resolving complaints concerning the provision of indigent defense services. The Board is further required to establish standards for providing indigent defense services, which include continuing education requirements for attorneys who provide indigent defense services, uniform tracking of information by such attorneys and guidelines for maximum caseloads of such attorneys. **Section 8** further requires the Board to work with the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, to determine incentives to recommend offering law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

Section 10 of this bill establishes the duties of the Executive Director of the Office of Indigent Defense Services, which include overseeing the functions of the Office, serving as Secretary of the Board, reporting to the Board regarding the work of the Office, developing the budget for the Office and preparing an annual report for submission to the Nevada Supreme Court, the Legislature and the Governor.

Section 11 of this bill requires the Executive Director to select two deputy directors. **Section 12** of this bill makes one deputy director responsible for overseeing the provision of indigent defense services in certain smaller counties. This includes having oversight of the State Public Defender, who is moved from the Department of Health and Human Services to the Office of Indigent Defense Services in **sections 17-19, 21 and 24-26** of this bill. In addition, **section 12** charges this deputy director with determining whether attorneys are eligible to provide indigent defense services in accordance with the requirements established by the Board. This deputy director will also develop and provide continuing legal education programs for attorneys who provide indigent defense services and identify and encourage best practices for delivering effective indigent defense services.

Section 13 of this bill makes the second deputy director responsible for reviewing the manner in which indigent defense services are provided throughout the State. This deputy director will collect information from attorneys about caseloads, salaries and other information and will conduct on-site visits to determine whether indigent defense services are being provided in the most efficient and constitutional manner. If the deputy director determines that a county is not providing such services in a manner which satisfies minimum standards that are established by the Board, **section 13** requires the deputy director to establish a corrective action plan with the board of county commissioners for the county. **Section 14** of this bill requires such

a plan to be agreed to by the board of county commissioners and the deputy director and submitted to and approved by the Board. If the board of county commissioners will have to spend more money than was budgeted in the previous year plus inflation to comply with the plan, **section 14** requires the Executive Director to include the additional amount in the budget for the Office to help support the county in providing indigent defense services. If additional money is needed before the next budget cycle, the Executive Director is required to submit a request to the Interim Finance Committee for money from the Contingency Account. If the budget is not approved with the additional amount for the county, ~~the~~ a county that is not required to have an office of public defender, which currently means a county other than Clark and Washoe Counties, has the option to continue providing indigent defense services or transfer responsibility for providing such services to the State Public Defender. In addition, if the county fails to meet the minimum standards for the provision of indigent defense services within the time set in the corrective action plan, **section 14** requires the deputy director to inform the Executive Director, who may then recommend establishing another corrective action plan or recommend requiring the county to transfer responsibility for provision of indigent defense services to the State Public Defender. Any recommendation of the Executive Director is required to be submitted to and approved by the Board. Once approved, the county is required to comply with the decision of the Board. In addition, **section 8** requires the Board to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services. This cap also applies when determining the county responsibility in **sections 14 and 23** of this bill.

Sections 20 and 28 of this bill remove obsolete language which requires the State Public Defender and the county public defender to provide indigent defense services within the limits of available money to conform with the provisions of this bill that require appropriate representation be provided to indigent defendants in every case. Existing law provides for a State Public Defender and requires certain large counties to establish an office of public defender. (NRS 180.010, 260.010) Smaller counties are authorized, but not required, to establish an office of public defender. (NRS 260.010) **Sections 22 and 27** of this bill revise these provisions to address their applicability when a county is required to transfer responsibility for the provision of indigent defense services to the State Public Defender. (NRS 180.090, 260.010) **Section 27** further requires each board of county commissioners to cooperate with the Board on Indigent Defense Services and the Office of Indigent Defense Services.

Existing law requires the public defender for a county to make an annual report to the board of county commissioners. (NRS 260.070) **Section 29** of this bill also requires the public defender to make an annual report to the Office of Indigent Defense Services and further requires the board of county commissioners of a county that has a public defender or which contracts for

indigent defense services to provide an annual report to the Office with such information as requested by the Office.

Sections 17, 18 and 30 of this bill remove the State Public Defender and employees of the State Public Defender from the classified or unclassified service of the State. **Section 31** of this bill continues certain definitions applicable to the chapter governing the State Public Defender that were set to expire. **Section 31.3 of this bill staggers the terms of the members of the Board so that approximately 30 percent of the members will be appointed each year. Section 31.5 of this bill makes an appropriation to allow the Office of Indigent Defense Services to award grants to counties that require assistance to comply with the plan established for the provision of indigent defense services.**

WHEREAS, Section 1 of Article 1 of the Nevada Constitution recognizes the inalienable right of persons to defend life and liberty; and

WHEREAS, The State is committed to protecting the individual liberties of persons in this State; and

WHEREAS, Section 2 of Article 1 of the Nevada Constitution acknowledges that the paramount allegiance of every citizen is due to the Federal Government in the exercise of all its constitutional powers as have been or may be defined by the Supreme Court of the United States; and

WHEREAS, Under the Sixth and Fourteenth Amendments to the Constitution of the United States, the obligation to provide effective representation to accused indigent persons at each critical stage of criminal and delinquency proceedings rests with the states; and

WHEREAS, Accordingly, it is the obligation of the Legislature to provide the general framework and resources necessary for the provision of indigent defense services in this State; and

WHEREAS, Although various counties in the State have accepted a large part of the responsibility for the provision of indigent defense, the State remains ultimately responsible for ensuring that such indigent defense services are properly funded and carried out; and

WHEREAS, The Legislature must ensure that adequate public funding is made available so that indigent defense services are provided by qualified and competent counsel in a manner that is fair and consistent throughout the State and at all critical stages of a criminal proceeding; and

WHEREAS, The Legislature must further ensure proper oversight of the provision of defense to indigent persons in this State and respond quickly, effectively and adequately to guarantee that the constitutional mandate of effective assistance of counsel is met; now, therefore

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

Section 1. NRS 171.188 is hereby amended to read as follows:

171.188 1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. *The record in each such case must indicate that the defendant was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record must also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.*

2. The request must be accompanied by the defendant's affidavit, which must state:

- (a) That the defendant is without means of employing an attorney; and
- (b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.

3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:

- (a) Finds that the defendant is without means of employing an attorney; and
 - (b) Otherwise determines that representation is required,
- ↳ the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant. If the appropriate public defender is unable to represent the defendant, or other good cause appears, another attorney must be appointed.

4. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court ~~¶~~, *unless the county has transferred the responsibility to provide all indigent defense services for the county to the State Public Defender pursuant to section 14 of this act.* If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for appearance in Justice Court or the city for appearance in municipal court in an amount not to exceed \$75 per case.

Sec. 1.5. NRS 178.397 is hereby amended to read as follows:

178.397 Every defendant accused of a misdemeanor for which jail time may be imposed, a gross misdemeanor or a felony and who is financially unable to obtain counsel is entitled to have counsel assigned to represent the defendant at every stage of the proceedings from the defendant's initial appearance before a magistrate or the court through appeal, unless the defendant waives such appointment.

Sec. 2. Chapter 180 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive of this act.

Sec. 3. *"Board" means the Board on Indigent Defense Services created by section 6 of this act.*

Sec. 4. “Executive Director” means the Executive Director of the Office.

Sec. 5. “Office” means the Office of Indigent Defense Services created by section 9 of this act.

Sec. 6. 1. There is hereby created a Board on Indigent Defense Services within the Office of Indigent Defense Services, consisting of:

(a) Thirteen voting members appointed as follows:

(1) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada, appointed by the Majority Leader of the Senate.

(2) One member who has expertise in the finances of State Government, appointed by the Speaker of the Assembly.

(3) One member appointed by the Chief Justice of the Nevada Supreme Court who:

(I) Is a retired judge or justice who no longer serves as a judge or justice in any capacity; or

(II) Has expertise in juvenile justice and criminal law.

(4) ~~Two members~~ One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada appointed by the Governor. ~~from among six nominees~~

(5) One member selected by the Board of Governors of the State Bar of Nevada ~~Three of the nominees must be members~~, appointed by the Governor, who:

(I) Is an attorney licensed in this State and a member in good standing of the State Bar of Nevada ~~who reside~~; and

(II) Resides in a county whose population is less than 100,000. ~~and three must be members in good standing of the State Bar of Nevada who reside in a county whose population is 100,000 or more. The Governor must appoint one member who resides in a county whose population is less than 100,000 and one member who resides in a county whose population is 100,000 or more.~~

~~(5)~~ (6) Four members ~~from among six nominees~~ selected by the Nevada Association of Counties who reside in a county whose population is less than 100,000, appointed by the Governor. One member must have expertise in the finances of local government.

~~(6)~~ (7) Two members ~~from among four nominees~~ selected by the Board of County Commissioners of Clark County, appointed by the Governor.

~~(7)~~ (8) One member ~~from among two nominees~~ selected by the Board of County Commissioners of Washoe County, appointed by the Governor.

~~(8)~~ (9) One member ~~from among three nominees~~ selected jointly by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities, appointed by the Governor.

(b) ~~The Chief Justice of the Nevada Supreme Court for his or her designee, who shall serve as an ex officio,~~ may designate one person to serve as a nonvoting member ~~of~~ to represent the interests of the Court.

2. In addition to the members appointed pursuant to subsection 1, the Governor may appoint up to two additional nonvoting members ~~of~~, one of whom must be upon the recommendation of the Board of Governors of the State Bar of Nevada.

3. Each person appointed to the Board must have:

(a) Significant experience providing legal representation to indigent persons who are charged with public offenses or to children who are alleged to be delinquent or in need of supervision;

(b) A demonstrated commitment to providing effective legal representation to such indigent persons; or

(c) Expertise or experience, as determined by the appointing authority, which qualifies the person to contribute to the purpose of the Board or to carrying out any of its functions.

4. A person must not be appointed to the Board if he or she is ~~of~~ currently serving or employed as:

(a) A ~~current~~ judge, justice or judicial officer;

(b) A Legislator or other state officer or employee;

(c) A prosecuting attorney or an employee thereof;

(d) A law enforcement officer or employee of a law enforcement agency;

or

(e) An attorney who in his or her ~~current~~ position may obtain any financial benefit from the policies adopted by the Board.

5. A person must not be appointed to the Board if he or she is currently employed:

(a) Within the Office of Indigent Defense Services;

(b) By a public defender; or

(c) By any other attorney who provides indigent defense services pursuant to a contract with a county.

6. Each member of the Board:

(a) Serves without compensation; and

(b) While engaged in the business of the Board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~6.7~~ 7. Each member of the Board who is an officer or employee of a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Board to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

Sec. 7. 1. *Except as otherwise provided in this subsection, the voting members of the Board on Indigent Defense Services are appointed for a term of ~~[2]~~ 3 years and may be reappointed. ~~[The initial voting members of the Board shall select six initial voting members by lot to serve an initial term of 1 year.]~~*

2. *The Chair of the Board must be selected at the first meeting from among the voting members of the Board and serves until July 1 of the next year. The Chair for the following year must be selected in the same manner before the expiration of the current term of the sitting Chair. The Chair may be selected to serve another term as Chair.*

3. *The Governor may remove a voting member of the Board for incompetence, neglect of duty, committing any act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause.*

4. *A vacancy on the Board must be filled in the same manner as the original appointment by the appointing authority for the remainder of the unexpired term.*

5. *The Board shall meet regularly upon a call of the Chair. ~~[Any seven voting members of the Board shall constitute a quorum for the purpose of voting. A] An affirmative vote of a majority ~~[vote of the quorum]~~ of the members of the Board is required to take any action.~~*

Sec. 8. 1. *The Board on Indigent Defense Services shall oversee the Executive Director and provide recommendations and advice concerning the administration of the Office. The Board shall:*

(a) *Receive reports from the Executive Director and provide direction to the Executive Director concerning measures to be taken by the Office to ensure that indigent defense services are provided in an effective manner throughout this State.*

(b) *Review information from the Office regarding caseloads of attorneys who provide indigent defense services.*

(c) *Direct the Executive Director to conduct any additional audit, investigation or review the Board deems necessary to determine whether minimum standards in the provision of indigent defense services are being followed and provided in compliance with constitutional requirements.*

(d) *Work with the Executive Director to develop procedures for the mandatory collection of data concerning the provision of indigent defense services, including the manner in which such services are provided.*

(e) *Provide direction to the Executive Director concerning annual reports and review drafts of such reports.*

(f) *Review and approve the budget for the Office.*

(g) *Review any recommendations of the Executive Director concerning improvements to the criminal justice system and legislation to improve the provision of indigent defense services in this State.*

(h) *Provide advice and recommendations to the Executive Director on any other matter.*

2. *In addition to the duties set forth in subsection 1, the Board shall:*

(a) *Establish minimum standards for the delivery of indigent defense services to ensure that such services meet the constitutional requirements and do not create any type of economic disincentive or impair the ability of the defense attorney to provide effective representation.*

(b) *Establish a procedure to receive complaints and recommendations concerning the provision of indigent defense services from any interested person including, without limitation, judges, defendants, attorneys and members of the public.*

(c) *Work with the Office to develop resolutions to complaints or to carry out recommendations.*

(d) *Adopt regulations establishing standards for the provision of indigent defense services including, without limitation:*

(1) *Establishing requirements for specific continuing education and experience for attorneys who provide indigent defense services.*

(2) *Requiring attorneys who provide indigent defense services to track their time and provide reports, and requiring the State Public Defender and counties that employ attorneys or otherwise contract for the provision of indigent defense services to require or include a provision in the employment or other contract requiring compliance with the regulations.*

(3) *Establishing standards to ensure that attorneys who provide indigent defense services track and report information in a uniform manner.*

(4) *Establishing guidelines to be used to determine the maximum caseloads for attorneys who provide indigent defense services.*

(5) *Requiring the Office of Indigent Defense Services and each county that employs or contracts for the provision of indigent defense services to ensure, to the greatest extent possible, consistency in the representation of indigent defendants so that the same attorney represents a defendant through every stage of the case without delegating the representation to others, except that administrative and other tasks which do not affect the rights of the defendant may be delegated. A provision must be included in each employment or other contract of an attorney providing indigent defense services to require compliance with the regulations.*

(e) *Establish recommendations for the manner in which an attorney who is appointed to provide indigent defense services may request and receive reimbursement for expenses related to trial, including, without limitation, expenses for expert witnesses and investigators.*

(f) *Work with the Executive Director and the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, or his or her designee, to determine incentives to recommend offering to law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.*

(g) *Review laws and recommend legislation to ensure indigent criminal defendants are represented in the most effective and constitutional manner.*

3. *The Board shall adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services.*

4. *The Board shall adopt any additional regulations it deems necessary or convenient to carry out the duties of the Board and the provisions of this chapter.*

Sec. 9. 1. *The Office of Indigent Defense Services 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 Board.*

3. *The Executive Director:*

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

(b) *Serves at the pleasure of the Board on Indigent Defense Services, except that the Executive Director may only be removed upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause;*

(c) *Must be an attorney licensed to practice law in the State of Nevada; and*

(d) *Must devote his or her entire time to his or her duties and shall not engage in any other gainful employment or occupation.*

Sec. 10. 1. *The Executive Director shall:*

(a) *Oversee all of the functions of the Office of Indigent Defense Services;*

(b) *Serve as the Secretary of the Board without additional compensation;*

(c) *Report to the Board on Indigent Defense Services regarding the work of the Office and provide such information to the Board as directed by the Board;*

(d) *Assist the Board in determining necessary and appropriate regulations to assist in carrying out the responsibilities of the Office;*

(e) *Establish the proposed budget for the Office and submit the proposed budget for approval of the Board;*

(f) *Prepare an annual report concerning indigent defense services in this State which includes information collected by the Office and such other information as requested by the Board; and*

(g) *Take any other actions necessary to ensure that adequate and appropriate indigent defense services are provided in this State.*

2. *The report prepared pursuant to paragraph (f) of subsection 1 must be submitted for approval of the Board. The final report must be submitted on or before July 1 of each year to the Nevada Supreme Court, the Legislature and the Office of the Governor. The report may include any recommendations for legislation to improve indigent defense services in this State.*

Sec. 11. 1. *In addition to the Executive Director, the Office must include not fewer than two deputy directors selected by the Executive Director who serve at the pleasure of the Executive Director.*

2. *The deputy directors:*

- (a) *Must be attorneys licensed to practice law in the State of Nevada;*
- (b) *Are not in the classified or unclassified service of this State; and*
- (c) *Shall devote their entire time to their duties and shall not engage in any other gainful employment or occupation.*

Sec. 12. *One deputy director selected pursuant to section 11 of this act must be responsible for:*

1. *Overseeing the provision of indigent defense services in counties whose population is less than 100,000. Such oversight must include, without limitation:*

- (a) *Oversight of the State Public Defender; and*
- (b) *Determining whether attorneys meet the requirements established by the Board on Indigent Defense Services to be eligible to provide indigent defense services and maintaining a list of such attorneys.*

2. *Developing and providing continuing legal education programs for attorneys who provide indigent criminal defense services.*

3. *Identifying and encouraging best practices for delivering the most effective indigent defense services.*

4. *Providing assistance to counties that must revise the manner in which indigent defense services are provided as a result of the regulations adopted by the Board pursuant to section 8 of this act. Such assistance may include, without limitation, assistance developing a plan and estimating the cost to carry out the plan.*

Sec. 13. *One deputy director selected pursuant to section 11 of this act must be responsible for reviewing the manner in which indigent defense services are provided throughout the State. To carry out this responsibility, the deputy director shall:*

1. *Obtain information from attorneys relating to caseloads, salaries paid to criminal defense attorneys and the manner in which indigent defense services are provided.*

2. *Conduct on-site visits of court proceedings throughout the State to determine the manner in which indigent defense services are provided, including, without limitation, whether:*

(a) *Minimum standards for the provision of indigent defense services established by the Board on Indigent Defense Services are being followed;*

(b) *Court rules regarding the provision of indigent defense services are being followed;*

(c) *Indigent defendants are being asked to provide reimbursement for their representation or to take any other actions that violate the constitution, any law, a court rule or a regulation of the Board; and*

(d) *Representation of indigent criminal defendants is being provided in an effective manner.*

3. *Report to the other deputy director upon a determination that any person is providing indigent defense services in an ineffective or otherwise inappropriate manner.*

4. *Recommend entering into a corrective action plan with any board of county commissioners of a county which is not meeting the minimum standards for the provision of indigent defense services or is in any other manner deficient in the provision of such services.*

Sec. 14. 1. *If a corrective action plan is recommended pursuant to section 13 of this act, the deputy director and the board of county commissioners must agree on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.*

2. *If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Office of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.*

3. ~~##~~ *For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Office pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.*

4. *If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.*

5. *Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county or to require the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.*

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.

Sec. 15. 1. *A county that transfers responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act may seek to have the responsibility transferred back to the county by submitting a request to the Executive Director in writing on or before December 31 of an even-numbered year.*

2. Upon finding that the county is able to meet minimum standards for the provision of indigent defense services, the Executive Director shall approve transferring the responsibility for the provision of indigent defense services to the county.

3. If the Executive Director denies a request to transfer responsibility for the provision of indigent defense services to a county, the Executive Director must inform the board of county commissioners for the county of the reasons for the denial and the issues that must be resolved before the responsibility for the provision of indigent defense services will be transferred to the county.

4. If the Executive Director approves a request to transfer responsibility for the provision of indigent defense services to the county, the board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

Sec. 16. NRS 180.002 is hereby amended to read as follows:

180.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 180.003 and 180.004 *and sections 3, 4 and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 17. NRS 180.010 is hereby amended to read as follows:

180.010 1. ~~The Office of State Public Defender is hereby created within the Department of Health and Human Services.~~

~~2. The~~ ***There shall be a State Public Defender within the Office of Indigent Defense Services who must be appointed by the Governor*** ~~shall appoint the State Public Defender~~ for a term of 4 years, and until a successor is appointed and qualified.

~~3.3~~ ***The State Public Defender is responsible to the Executive Director.***
The State Public Defender:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is ***not*** in the ***classified or*** unclassified service of the State ~~and~~ ***serves at the pleasure of the Executive Director.***

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

~~4.1~~ ***2.*** No officer or agency of the State, other than the ~~{Governor and the Director of the Department of Health and Human Services,}~~ ***Executive Director and the deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act*** may supervise the State Public Defender. No officer or agency of the State, other than the ~~{Governor,}~~ ***Executive Director or deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act*** may assign the State Public Defender duties in addition to those prescribed by this chapter.

Sec. 18. NRS 180.030 is hereby amended to read as follows:

180.030 1. The State Public Defender may employ:

(a) Deputy state public defenders ***who are not*** in the ***classified or*** unclassified service of the State.

(b) Clerical, investigative and other necessary staff ***who are not*** in the ***classified or unclassified*** service of the State.

2. Each deputy state public defender must be an attorney licensed to practice law in the State of Nevada, and shall not engage in the practice of law, except in performing the duties of office and as otherwise provided in NRS 7.065.

Sec. 19. NRS 180.040 is hereby amended to read as follows:

180.040 1. The ~~Office of the~~ State Public Defender shall be ***located*** in Carson City, Nevada, and the Buildings and Grounds Section of the State Public Works Division of the Department of Administration shall provide necessary office space.

2. The State Public Defender may establish branch offices necessary to perform the State Public Defender's duties. The State Public Defender shall designate a deputy state public defender to supervise each such office.

Sec. 20. NRS 180.060 is hereby amended to read as follows:

180.060 1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030, 62D.100, 171.188 or 432B.420, ~~and within the limits of available money,~~ represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

- (a) Counsel and defend the indigent person at every stage of the proceedings, including revocation of probation or parole; and
- (b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

5. The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 21. NRS 180.080 is hereby amended to read as follows:

180.080 1. The State Public Defender shall submit:

(a) A report on or before December 1 of each year to the ~~Governor~~ **Executive Director** and to each participating county containing a statement of:

- (1) The number of cases that are pending in each participating county;
- (2) The number of cases in each participating county that were closed in the previous fiscal year;
- (3) The total number of criminal defendants represented in each participating county with separate categories specifying the crimes charged and whether the defendant was less than 18 years of age or an adult;
- (4) The total number of working hours spent by the State Public Defender and the State Public Defender's staff on work for each participating county; ~~and~~

(5) The amount and categories of the expenditures made by the State Public Defender's office ~~+~~; **and**

(6) Such other information as requested by the Executive Director of the Office of Indigent Defense Services or the Board on Indigent Defense Services.

(b) To each participating county, on or before December 1 of each even-numbered year, the total proposed budget of the State Public Defender for that county, including the projected number of cases and the projected cost of services attributed to the county for the next biennium.

(c) Such reports to the Legislative Commission as the regulations of the Commission require.

2. As used in this section, “participating county” means each county in which the ~~office of public defender has not been created pursuant to NRS 260.010.~~ ***State Public Defender acts as the public defender for the county.***

Sec. 22. NRS 180.090 is hereby amended to read as follows:

180.090 Except as provided in subsections 4 and 5 of NRS 180.060, the provisions of ~~this chapter~~ ***NRS 180.010 to 180.100, inclusive***, apply only to counties in which the office of public defender has not been created pursuant to the provisions of chapter 260 of NRS.

Sec. 23. NRS 180.110 is hereby amended to read as follows:

180.110 1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender’s services during that year. ***The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.***

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

↪ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the State Public Defender’s approved budget.

Sec. 24. NRS 7.155 is hereby amended to read as follows:

7.155 The compensation and expenses of an attorney appointed to represent a defendant must be paid from the county treasury unless the proceedings are based upon a postconviction petition for habeas corpus, in which case the compensation and expenses must be paid from money appropriated to the ~~Office of~~ State Public Defender, but after the appropriation for such expenses is exhausted, money must be allocated to the ~~Office of~~ State Public Defender from the reserve for statutory contingency account for the payment of such compensation and expenses.

Sec. 25. NRS 7.165 is hereby amended to read as follows:

7.165 If at any time after the appointment of an attorney or attorneys the magistrate or the district court finds that money is available for payment from or on behalf of the defendant so that the defendant is financially able to obtain private counsel or to make partial payment for such representation, the magistrate or the district court may:

1. Terminate the appointment of such attorney or attorneys; or

2. Direct that such money be paid to:

(a) The appointed attorney or attorneys, in which event any compensation provided for in NRS 7.125 shall be reduced by the amount of the money so paid, and no such attorney may otherwise request or accept any payment or promise of payment for representing such defendant; or

(b) The clerk of the district court for deposit in the county treasury, if all of the compensation and expenses in connection with the representation of such defendant were paid from the county treasury, and remittance to the ~~Office of~~ State Public Defender, if such compensation and expenses were paid partly from moneys appropriated to the ~~Office of~~ State Public Defender and the money received exceeds the amount of compensation and expenses paid from the county treasury.

Sec. 26. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department . ~~[- other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.]~~

Sec. 27. NRS 260.010 is hereby amended to read as follows:

260.010 1. ~~In ***Except if the county voluntarily transfers or has been required to transfer responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act, in***~~ counties whose population is 100,000 or more, the boards of county commissioners shall ~~create~~ ***provide*** by ordinance ~~for~~ the office of public defender.

2. Except as otherwise provided by subsection 4 ~~[-]~~ ***and except if the county voluntarily transfers or has been required to transfer responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act,*** in counties whose population is less than 100,000, boards of county commissioners may in their respective counties ~~create~~ ***provide*** by ordinance, at the beginning of a fiscal year, ~~for~~ the office of public defender.

3. Except as otherwise provided in subsection 4, if a board of county commissioners intends to ~~create~~ ***provide by ordinance for*** the office of county public defender, the board shall notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.

4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may ~~create~~

provide for the office of county public defender on July 1 of the next even-numbered year if the board notifies the State Public Defender on or before March 1 of the same year in which the office is to be created.

5. The office of public defender when created must be filled by appointment by the board of county commissioners.

6. The public defender serves at the pleasure of the board of county commissioners.

7. Each board of county commissioners shall cooperate with the Board on Indigent Defense Services created by section 6 of this act and the Office of Indigent Defense Services created by section 9 of this act. The board of county commissioners shall:

(a) Ensure that data and information requested by the Board or Office is collected and maintained; and

(b) Provide such information and reports concerning the provision of indigent defense services as requested by the Board or the Office.

8. As used in this section, "indigent defense services" has the meaning ascribed to it in NRS 180.004.

Sec. 28. NRS 260.050 is hereby amended to read as follows:

260.050 1. The public defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he or she has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The public defender shall, when designated pursuant to NRS 62D.030, 171.188 or 432B.420, ~~and within the limits of available money,~~ represent without charge each indigent person for whom he or she is appointed.

3. When representing an indigent person, the public defender shall:

(a) Counsel and defend the person at every stage of the proceedings, including revocation of probation or parole; and

(b) Prosecute, subject to the provisions of subsection 4 of NRS 180.060, any appeals or other remedies before or after conviction that he or she considers to be in the interests of justice.

Sec. 29. NRS 260.070 is hereby amended to read as follows:

260.070 **1.** The public defender shall make an annual report to ~~the~~:

(a) The board of county commissioners covering all cases handled by his or her office during the preceding year.

(b) The Office of Indigent Defense Services created by section 9 of this act which includes any information required by the Office.

2. The board of county commissioners of each county with a public defender or which contracts for indigent defense services shall provide an annual report to the Office on or before May 1 of each year. The report must include any information requested by the Office concerning the provision of indigent defense services in the county and must include, without limitation, the plan for the provision of indigent defense services for the county for the next fiscal year.

3. *As used in this section, “indigent defense services” has the meaning ascribed to it in NRS 180.004.*

Sec. 30. 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 9 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. ~~for 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. 31. Section 35 of chapter 460, Statutes of Nevada 2017, at page 2943, is hereby amended to read as follows:

Sec. 35. **1.** This act becomes effective on July 1, 2017. ~~and expires~~

2. *Sections 1, 3, 5, 6 and 8 to 34 inclusive, of this act expire* by limitation on June 30, 2019.

Sec. 31.3. **The members of the Board on Indigent Defense Services created by section 6 of this act shall serve initial terms ending on:**

1. June 30, 2022, for the members appointed by the Chief Justice of the Nevada Supreme Court, the Majority Leader of the Senate, the Speaker of the Assembly and the Governor pursuant to subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 1 of section 6 of this act.

2. June 30, 2021, for two of the members selected by the Nevada Association of Counties pursuant to subparagraph (6) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the Nevada Association of Counties.

3. June 30, 2021, for the member selected by the Board of County Commissioners of Washoe County pursuant to subparagraph (8) of paragraph (a) of subsection 1 of section 6 of this act and one of the

members selected by the Board of County Commissioners of Clark County pursuant to subparagraph (7) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the respective Boards.

4. June 30, 2020, for all of the remaining members.

Sec. 31.5. 1. There is hereby appropriated from the State General Fund to the Office of Indigent Defense Services created by section 9 of this act the sum of \$15,000,000 to be used to award grants to counties which are required to pay more than budgeted in the previous year plus inflation to provide indigent defense services in a manner that meets the standards for the provision of indigent defense services established by regulation by the Board on Indigent Defense Services pursuant to section 8 of this act.

2. Grants must be awarded on a first-come, first-served basis and in accordance with the greatest need, as determined by the Executive Director of the Office. A county seeking a grant must identify the amount of money needed and provide adequate information demonstrating the need for the additional money.

3. Upon the request of the Legislative Commission, any county which receives a grant pursuant to this section may be requested to demonstrate the manner in which the money is used and shall make available to the Legislative Auditor any of the books, accounts, claims, reports or other records of information, confidential or otherwise, regardless of their form or location, which the Legislative Auditor deems necessary to conduct an audit of the use of the money provided through a grant pursuant to this section.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 32. 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. 33. This act becomes effective:

1. Upon passage and approval for the purpose of establishing the Office of Indigent Defense Services created by section 9 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.

2. Upon passage and approval for the purpose of appointing members to the Board on Indigent Defense Services created by section 6 of this act. Members must be appointed by the Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the Chief Justice of the Supreme

Court, as applicable, as soon as practicable and assume their positions on July 1, 2019.

3. On October 1, 2019, for all other purposes.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

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

Amendment No. 616.

AN ACT relating to employment; prohibiting the denial of employment because of the presence of marijuana in a screening test taken by a prospective employee ~~}; prohibiting an employer from conditioning employment on a test of the personality traits, behavioral traits or character traits of a prospective employee; providing certain exceptions;}~~ **with certain exceptions; authorizing an employee to rebut the results of a screening test under certain circumstances; creating a presumption that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if an employee has certain levels of certain prohibited substances in his or her blood;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various unlawful employment practices. (Chapter 613 of NRS)

Section ~~{2}~~ 1 of this bill prohibits **, with certain exceptions,** an employer from denying employment to a prospective employee because the prospective employee has submitted to a drug screening test and the test indicates the presence of marijuana. **Section ~~{2}~~ 1** further provides, however, that it is not unlawful for an employer to condition the employment of a prospective employee who does not hold a valid registry identification card to engage in the medical use of marijuana on the prospective employee's abstention from use of marijuana ~~{1}~~ **while performing his or her duties of employment.** **Finally, section 1 provides that if an employer requires an employee to submit to a screening test within his or her first 30 days of employment, the employer is required to accept as conclusive the results of an additional screening test to which the employee submitted at his or her own expense.**

Existing law makes it an unlawful employment practice to fail or refuse to hire, discharge or otherwise discriminate against an employee because the employee engages in the lawful use of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the

safety of other employees. (NRS 613.333) Section 3.5 of this bill specifies that this provision of existing law applies to the use of marijuana.

Existing law prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access if the person has an amount of marijuana or marijuana metabolite in his or her blood that is equal to or greater than 2 nanograms per milliliter or 5 nanograms per milliliter, respectively. (NRS 484C.110) Section 3.5 creates a presumption that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if the employee has less than such amounts of marijuana or marijuana metabolite in his or her blood.

~~[Section 3 of this bill prohibits an employer from conditioning the employment of a prospective employee on his or her submission to a character assessment. Section 3 defines "character assessment" to mean any test to evaluate the personality traits, behavioral traits or character traits of a person. Section 3 provides certain exceptions to the preceding prohibition for certain employment involving contact with children, elderly persons or vulnerable persons, employment as a peace officer and employment that affects the public safety.]~~

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 the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise specifically provided by law:

1. It is unlawful for any employer in this State to fail or refuse to hire a prospective employee because the prospective employee submitted to a screening test and the results of the screening test indicate the presence of marijuana.

2. The provisions of subsection 1 do not apply if the prospective employee is applying for a position:

(a) As a firefighter, as defined in NRS 450B.071;

(b) As an emergency medical technician, as defined in NRS 450B.065;

(c) That requires an employee to operate a motor vehicle and for which federal or state law requires the employee to submit to screening tests; or

(d) That, in the determination of the employer, could adversely affect the safety of others.

3. It is not unlawful for an employer in this State to require a prospective employee who does not hold a valid registry identification card to engage in the medical use of marijuana pursuant to chapter 453A of NRS to abstain from using marijuana while carrying out the duties of his or her employment as a condition of employment.

~~§ 4.~~ 4. If an employer requires an employee to submit to a screening test within the first 30 days of employment, the employee shall have the right to submit to an additional screening test, at his or her own expense, to rebut the results of the initial screening test. The employer shall accept and give appropriate consideration to the results of such a screening test.

5. The provisions of this section do not apply:

(a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement.

(b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law.

(c) To a position of employment funded by a federal grant.

6. As used in this section, "screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or any other drug.

Sec. 3. ~~1. Except as otherwise provided in this section, it is unlawful for any employer in this State to:~~

~~(a) Directly or indirectly, require, request, suggest or cause any prospective employee to take or submit to a character assessment.~~

~~(b) Use, accept, refer to or inquire concerning the results of a character assessment of any prospective employee.~~

~~(c) Deny employment to or threaten to take such action against any prospective employee:~~

~~(1) Who refuses, declines or fails to take or submit to a character assessment; or~~

~~(2) On the basis of the results of a character assessment.~~

~~2. It is not unlawful for an employer in this State to require an employee to take or submit to a character assessment for the purpose of the professional development of the employee.~~

~~3. An employer may require a prospective employee to take or submit to a character assessment and consider the results of such a character assessment for the purpose of evaluating a prospective employee for employment if:~~

~~(a) The duties of the position for which the prospective employee is being evaluated for employment involve regular and substantial contact with children, elderly persons or vulnerable persons;~~

~~(b) The prospective employee is applying for employment as a peace officer, as defined in NRS 169.125; or~~

~~(c) The prospective employee is applying for a position that is designated by the Personnel Commission as affecting public safety pursuant to NRS 284.4066.~~

~~4. As used in this section:~~

~~(a) "Character assessment" means any test to evaluate the personality traits, behavioral traits or character traits of a person. The term includes, without limitation, the Caliper Profile, the Myers Briggs Type Indicator, the~~

~~Hogan Personality Inventory, the SHL Occupational Personality Questionnaire and other similar assessments.~~

~~(b) "Elderly person" means a person who is 60 years of age or older.~~

~~(c) "Vulnerable person" means a person 18 years of age or older who:~~

~~(1) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or~~

~~(2) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.] (Deleted by amendment.)~~

Sec. 3.5. NRS 613.333 is hereby amended to read as follows:

613.333 1. It is an unlawful employment practice for an employer to:

(a) Fail or refuse to hire a prospective employee; or

(b) Discharge or otherwise discriminate against any employee concerning the employee's compensation, terms, conditions or privileges of employment, because the employee engages in the lawful use in this state of any product outside the premises of the employer during the employee's nonworking hours, if that use does not adversely affect the employee's ability to perform his or her job or the safety of other employees.

2. **For the purposes of subsection 1:**

(a) It is presumed that the ability of an employee to perform his or her job and that the safety of other employees is not adversely affected if, during the working hours of the employee, the employee has an amount of a prohibited substance in his or her blood that is less than the amount set forth in subsection 4 of NRS 484C.110.

(b) The consumption of marijuana, as defined in NRS 453.096, in a manner that complies with the laws of this State is deemed to be the lawful use of a product.

3. An employee who is discharged or otherwise discriminated against in violation of subsection 1 or a prospective employee who is denied employment because of a violation of subsection 1 may bring a civil action against the employer who violates the provisions of subsection 1 and obtain:

(a) Any wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) An order directing the employer to offer employment to the prospective employee; and

(d) Damages equal to the amount of the lost wages and benefits.

~~[3.]~~ **4.** The court shall award reasonable costs, including court costs and attorney's fees to the prevailing party in an action brought pursuant to this section.

~~[4.]~~ **5.** The remedy provided for in this section is the exclusive remedy for an action brought pursuant to this section.

6. The provisions of this section do not apply:

(a) To the extent that they are inconsistent or otherwise in conflict with the provisions of an employment contract or collective bargaining agreement.

(b) To the extent that they are inconsistent or otherwise in conflict with the provisions of federal law.

(c) To a position of employment funded by a federal grant.

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

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 133.

Bill read second time.

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

Amendment No. 220.

SUMMARY ~~[Revises provisions governing runaway or]~~ **Sets forth legislative findings and declarations concerning homeless youth.** (BDR ~~[38-399]~~ **S-399**)

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~

~~(Not Requested by Affected Local Government)]~~

AN ACT relating to public welfare; ~~revising the definition of the term “runaway or homeless youth” for certain purposes; requiring every county to provide care, support and relief to a runaway or homeless youth;~~ **setting forth legislative findings and declarations concerning homeless youth;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[Existing law provides that a youth shelter and its director, employees, agents or volunteers are immune from liability based on any act or failure to act while admitting, releasing or caring for a runaway or homeless youth, not amounting to gross negligence or intentional or reckless misconduct. (NRS 244.429) Existing law defines the term “runaway or homeless youth” to mean a person who is under 18 years of age and is living in certain situations outside of a permanent home. (NRS 244.424) Section 2 of this bill redefines the term “runaway or homeless youth” to mean a person living in such situations who is under 24 years of age.~~

~~Existing law requires every county to provide care, support and relief to the poor, indigent, incompetent and those incapacitated by age, disease, accident or motor vehicle crash who lack other means of support. (NRS 428.010) Section 1 of this bill specifically requires every county to provide care, support and relief to runaway or homeless youth who lack other means of support.]~~

This bill: (1) sets forth legislative findings relating to homeless youth as a subpopulation of the homeless population with complex and different needs than the adult homeless population; and (2) declares that it is consistent with the Legislature’s intent that the counties in this State work

with local community organizations to identify sources of funding and provide funding to reduce youth homelessness.

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

Delete existing sections 1 through 4 of this bill and replace with the following new sections 1 and 2:

Section 1. 1. The Legislature hereby finds that:

- (a) Homeless youth are a subpopulation of the homeless population.**
(b) The factors that affect homeless youth are complex and differ from those impacting the adult homeless population because of the developmental needs and limited life experiences of homeless youth.
(c) Homeless shelters serving poor or indigent adults may not provide a safe environment for homeless youth.
(d) There is an urgent need to reduce youth homelessness in this State.

2. The Legislature hereby declares that it is consistent with the Legislature's intent that the counties in this State work with local community organizations to identify sources of funding, including, without limitation, grants, and provide funding to reduce youth homelessness.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 506.

AN ACT relating to insurance; requiring an insurer to ~~authorize a service from an out-of-network provider in certain circumstances;~~ **provide certain information relating to accessing health care services to the Office of Consumer Health Assistance; requiring the Governor's Consumer Health Advocate to submit a report of such information to the Legislature;** requiring an insurer to offer ~~health insurance coverage;~~ **a health benefit plan** regardless of health status; **requiring the Advocate to take certain actions to assist consumers in accessing health care services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires an insurance carrier that offers coverage to small employer groups or individual markets to demonstrate the capacity of a network plan to deliver services adequately before making the network plan available for sale in this State. (NRS 687B.490) Section 4 of this bill requires~~

~~such an insurance carrier to authorize a person who is covered by the network plan of the carrier who is unable to obtain a covered service from an in-network provider to obtain the service from an out-of-network provider under the same conditions and with the same coverage as if the provider were an in-network provider in certain circumstances. Sections 1 3, 5 and 6 of this bill make conforming changes.]~~

Existing law: (1) establishes the Office for Consumer Health Assistance within the Department of Health and Human Services; and (2) requires the Director of the Department to appoint the Governor's Consumer Health Advocate to head the Office. (NRS 232.458) Existing law requires the Advocate to perform certain duties to assist consumers of health care services in obtaining health care services and enforcing their rights under health care plans. (NRS 232.459) Section 4.5 of this bill requires a health carrier which offers or issues a network plan to provide to the Office the contact information for a navigator, case manager or facilitator employed by the health carrier to assist covered persons in accessing health care services. Section 30.5 of this bill requires the Advocate to assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services. Section 30.5 also requires the Advocate to assist consumers with: (1) scheduling an appointment with an in-network provider of health care; and (2) filing complaints against health carriers.

Section 4.5 requires a health carrier which offers or issues a network plan to report to the Office certain information relating to access to health care services and resolution of cases by navigators, case managers or facilitators. Section 30.5 of this bill requires the Advocate to compile and submit to the Legislature a report aggregating the information submitted by health carriers. Sections 6.3-6.9 of this bill make conforming changes.

Existing law prohibits an insurer from denying, limiting or excluding a benefit provided by a health care plan in certain limited circumstances, including when a person has contracted for a blanket policy of accident or health insurance or in certain cases relating to adoption. (NRS 689B.0265, 689B.500, 689C.190, 695A.159, 695B.193, 695C.173, 695F.480) The federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148, as amended) prohibits an insurer from establishing rules that limit eligibility for a health care plan based on certain health status factors, including, without limitation, preexisting conditions, claims history or genetic information of the insured and also prohibits an insurer from charging a higher premium, deductible or copay based on those health status factors. (42 U.S.C. § 300gg-4) **Sections 7, 12, 15, 19, 20, 24, 25 ~~and 29-32~~, 29, 30, 31 and 32** of this bill: (1) align Nevada law with federal law and require all insurers to offer ~~a health insurance coverage~~ **benefit plan** regardless of the health status of a person; and (2) prohibit an insurer from denying, limiting or excluding a **covered** benefit or requiring an insured to pay a higher premium, deductible, coinsurance or copay based on the health status of the insured or the covered spouse or dependent of the

insured. Sections 9, 10, 12, 13, 16-18, 21, 23, 26, 27 and 35 of this bill remove partially duplicative provisions from existing law.

Federal regulations authorize a group health benefit plan to include a wellness program that offers discounts based on health status under certain conditions. (45 C.F.R. §146.121) Sections 12, 15, 20, 24, 29 and 30 of this bill authorize group health plans issued in this State to include such wellness programs under the same conditions as prescribed in federal regulations.

Existing law authorizes certain retired public officers and employees or the surviving spouse of such a retired officer or employee who is deceased to reinstate health insurance provided by the employer. If such an insurance plan is considered a grandfathered plan under the Patient Protection and Affordable Care Act, existing law authorizes such reinstatement to exclude claims for expenses for certain preexisting conditions. (NRS 287.0205) The Patient Protection and Affordable Care Act prohibits a grandfathered group plan from imposing such an exclusion. (42 U.S.C. §§ 300gg-3, 18011(a)(4)(B)) **Section 33** of this bill removes authorization for certain government insurance plans to exclude claims for preexisting conditions for reinstated coverage in conformance with federal law and **sections 12 and 31** of this bill. **Section 31.5 of this bill authorizes such an insurance plan for only retired officers and employees to exclude claims for preexisting conditions under the same conditions as previously authorized for grandfathered plans.** Sections 11, 14, 22 and 35 of this bill remove other provisions of existing law that reference exclusions based on a preexisting condition. **Sections 8 and 28** of this bill make other conforming changes.

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

Section 1. Chapter 687B of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3 and 4~~ **to 4.5, inclusive,** of this act.

Sec. 2. ~~As used in this section and NRS 687B.470 to 687B.500, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 687B.470 and section 3 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. ~~“Network plan” means a health benefit plan offered by a health carrier under which the financing and delivery of medical care, including, without limitation, items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.] (Deleted by amendment.)~~

Sec. 4. ~~— A person covered by a network plan may request the health carrier that issued the network plan to obtain a covered service from an out-of-network provider under the same conditions and with the same coverage as if the provider were an in-network provider if the person is unable, after~~

~~making a good faith effort, to obtain the service from an in-network provider who is qualified to perform the service.~~

~~— (a) At a location within 25 miles of his or her residence; and~~

~~— (b) Within 30 days of requesting an appointment.~~

~~2. A request pursuant to subsection 1 must include, without limitation, evidence that the person made a good faith effort to obtain an appointment for the service from each in-network provider who is qualified to perform the service within 25 miles of his or her residence.~~

~~3. A health carrier that receives a request pursuant to subsection 1 may assist the person to obtain the service from an in-network provider. If by the end of the business day immediately following the request the health carrier:~~

~~— (a) Schedules an appointment with an in-network provider located within 25 miles of the residence of the person and within 30 days, the health carrier is not required to approve the request. If approved, the person must not be required to pay more than he or she would pay to an in-network provider.~~

~~— (b) Does not schedule an appointment with an in-network provider located within 25 miles of the residence of the person, the health carrier must approve the request and provide written authorization for the person to obtain the service from an out-of-network provider as described in subsection 1. The authorization must include, without limitation, a statement of any copay or coinsurance for which the person will be responsible.~~

~~4. A person who receives approval of a request pursuant to subsection 3 may present the written authorization to an out-of-network provider as proof of approval from the insurer. An out-of-network provider who receives such written authorization and provides the service to the person shall:~~

~~— (a) Provide the service to the person and any care necessary during the acute phase of recovery from the service; and~~

~~— (b) Bill the health carrier for any amount owed for the service after receiving any copay or coinsurance for which the person is responsible.~~

~~5. A health carrier that does not pay a bill submitted pursuant to subsection 4 within 30 days after receipt shall pay:~~

~~— (a) The amount billed plus interest at a rate of the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 1 percent; and~~

~~— (b) Any costs incurred by the out-of-network provider to collect the amount due from the health carrier.~~

~~6. A person who receives a service from an out-of-network provider pursuant to subsection 4 is responsible to pay only the same amount for which he or she would otherwise pay had he or she obtained the service from an in-network provider. If a health carrier bills a person any additional amount, the person may refuse or may bring an action in a court of competent jurisdiction to recover from the health carrier:~~

~~— (a) Any costs incurred by the person to prove that he or she is not responsible for the amount; and~~

~~(b) Such punitive damages as the court may award.~~

~~7. As used in this section:~~

~~(a) "In network provider" means a provider of health care who is under contract to provide health care services as part of a network plan.~~

~~(b) "Out of network provider" means a provider of health care who is not under contract to provide health care services as part of a network plan.]~~

(Deleted by amendment.)

Sec. 4.5. 1. A health carrier which offers or issues a network plan shall:

(a) Provide to the Office for Consumer Health Assistance at least annually the telephone number and electronic mail address of a navigator, case manager or facilitator employed by the health carrier and update that information when the information changes.

(b) On or before December 31 of each year, submit to the Office for Consumer Health Assistance, for the immediately preceding 12 months, for each type of provider of health care in the applicable network:

(1) The number of times covered persons reported difficulty accessing health care services;

(2) The number of times covered persons used a navigator, case manager or facilitator to assist in accessing health care services;

(3) The number of cases described in subparagraph (2) that were resolved by navigators, case managers or facilitators; and

(4) The average period between when a covered person reports difficulty accessing health care services to the resolution of the case by a navigator, case manager or facilitator.

2. As used in this section:

(a) "Navigator, case manager or facilitator" means an employee of a health carrier whose duties include assisting covered persons in accessing health care services.

(b) "Office for Consumer Health Assistance" means the Office for Consumer Health Assistance established by NRS 232.458.

Sec. 5. [NRS 687B.470 is hereby amended to read as follows:

~~687B.470 1. [As used in NRS 687B.470 to 687B.500, inclusive, "health~~
"Health benefit plan" means a policy, contract, certificate or agreement offered by a carrier to provide for, deliver payment for, arrange for the payment of, pay for or reimburse any of the costs of health care services. Except as otherwise provided in this section, the term includes catastrophic health insurance policies and a policy that pays on a cost incurred basis.

~~2. The term does not include:~~

~~(a) Coverage that is only for accident or disability income insurance, or any combination thereof;~~

~~(b) Coverage issued as a supplement to liability insurance;~~

~~(c) Liability insurance, including general liability insurance and automobile liability insurance;~~

~~(d) Workers' compensation or similar insurance;~~

~~— (e) Coverage for medical payments under a policy of automobile insurance;~~
~~— (f) Credit insurance;~~
~~— (g) Coverage for on-site medical clinics;~~
~~— (h) Other similar insurance coverage specified pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, under which benefits for medical care are secondary or incidental to other insurance benefits;~~

~~— (i) Coverage under a short-term health insurance policy; and~~
~~— (j) Coverage under a blanket student accident and health insurance policy.~~

~~3. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of a health benefit plan:~~

~~— (a) Limited scope dental or vision benefits;~~
~~— (b) Benefits for long-term care, nursing home care, home health care or community-based care, or any combination thereof; and~~
~~— (c) Such other similar benefits as are specified in any federal regulations adopted pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.~~

~~4. The term does not include the following benefits if the benefits are provided under a separate policy, certificate or contract, there is no coordination between the provisions of the benefits and any exclusion of benefits under any group health plan maintained by the same plan sponsor, and the benefits are paid for a claim without regard to whether benefits are provided for such a claim under any group health plan maintained by the same plan sponsor:~~

~~— (a) Coverage that is only for a specified disease or illness; and~~
~~— (b) Hospital indemnity or other fixed indemnity insurance.~~

~~5. The term does not include any of the following, if offered as a separate policy, certificate or contract of insurance:~~

~~— (a) Medicare supplemental health insurance as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. § 1395ss, as that section existed on July 16, 1997;~~

~~— (b) Coverage supplemental to the coverage provided pursuant to the Civilian Health and Medical Program of Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq.; and~~

~~— (c) Similar supplemental coverage provided under a group health plan.~~

(Deleted by amendment.)

Sec. 6. ~~¶~~~~NRS 687B.490 is hereby amended to read as follows:~~

~~687B.490 1. A carrier that offers coverage in the small employer group or individual market must, before making any network plan available for sale in this State, demonstrate the capacity to deliver services adequately by applying to the Commissioner for the issuance of a network plan and submitting a description of the procedures and programs to be implemented to meet the requirements described in subsection 2.~~

~~2. The Commissioner shall determine, within 90 days after receipt of the application required pursuant to subsection 1, if the carrier, with respect to the network plan:~~

~~(a) Has demonstrated the willingness and ability to ensure that health care services will be provided in a manner to ensure both availability and accessibility of adequate personnel and facilities in a manner that enhances availability, accessibility and continuity of service;~~

~~(b) Has organizational arrangements established in accordance with regulations promulgated by the Commissioner; and~~

~~(c) Has a procedure established in accordance with regulations promulgated by the Commissioner to develop, compile, evaluate and report statistics relating to the cost of its operations, the pattern of utilization of its services, the availability and accessibility of its services and such other matters as may be reasonably required by the Commissioner.~~

~~3. The Commissioner may certify that the carrier and the network plan meet the requirements of subsection 2, or may determine that the carrier and the network plan do not meet such requirements. Upon a determination that the carrier and the network plan do not meet the requirements of subsection 2, the Commissioner shall specify in what respects the carrier and the network plan are deficient.~~

~~4. A carrier approved to issue a network plan pursuant to this section must file annually with the Commissioner a summary of information compiled pursuant to subsection 2 in a manner determined by the Commissioner.~~

~~5. The Commissioner shall, not less than once each year, or more often if deemed necessary by the Commissioner for the protection of the interests of the people of this State, make a determination concerning the availability and accessibility of the health care services of any network plan approved pursuant to this section.~~

~~6. The expense of any determination made by the Commissioner pursuant to this section must be assessed against the carrier and remitted to the Commissioner.~~

~~7. When making any determination concerning the availability and accessibility of the services of any network plan or proposed network plan pursuant to this section, the Commissioner shall consider services that may be provided through telehealth, as defined in NRS 629.515, pursuant to the network plan or proposed network plan to be available services.~~

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

~~(a) "Network plan" has the meaning ascribed to it in NRS 689B.570.~~

~~(b) "Small", "*small*" employer" has the meaning ascribed to it in NRS 689C.095.] (Deleted by amendment.)~~

Sec. 6.3. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, *and section 4.5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 687B.605 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 6.6. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~of~~, **and section 4.5 of this act;**
2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~of~~, **and section 4.5 of this act;** and
3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~of~~, **and section 4.5 of this act.**

Sec. 6.9. NRS 687B.830 is hereby amended to read as follows:

687B.830 1. A contract entered into for the purposes of a network plan between a participating provider of health care and the health carrier must not contain a provision that conflicts with any provision in the network plan or any requirement set forth in NRS 687B.600 to 687B.850, inclusive ~~of~~, **and section 4.5 of this act.**

2. At the time a participating provider of health care signs a contract described in subsection 1, the health carrier and, if applicable, the intermediary shall notify the participating provider of health care of all provisions of the contract and all documents incorporated by reference in the contract.

3. While a contract described in subsection 1 is in force, the health carrier shall provide timely notice to the participating provider of health care of any changes to the provisions of the contract or the documents incorporated by reference in the contract that would result in a material change in the contract.

4. For the purposes of subsection 3, the contract must define what is to be considered timely notice and what is to be considered a material change.

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall offer and issue a ~~policy of health insurance~~ health benefit plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

- (a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;
- (b) The claims history of the person, including, without limitation, any prior health care services received by the person;
- (c) Genetic information relating to the person; and
- (d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. An insurer that offers or issues a ~~policy of health insurance~~ health benefit plan shall not:

- (a) Deny, limit or exclude a covered benefit based on the health status of an insured; or

(b) *Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured ~~for the covered dependent of such an insured~~ who does not have such a health status.*

3. *An insurer that offers or issues a ~~[policy of health insurance]~~ **health benefit plan** shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.*

4. As used in this section, "health benefit plan" has the meaning ascribed to it in NRS 687B.470.

Sec. 8. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~†~~, **and section 7 of this act.**

Sec. 9. NRS 689A.417 is hereby amended to read as follows:

689A.417 1. Except as otherwise provided in subsection 2, an insurer who provides health insurance shall not:

(a) Require an insured person or any member of the family of the insured person to take a genetic test;

(b) Require an insured person to disclose whether the insured person or any member of the family of the insured person has taken a genetic test or any genetic information of the insured person or a member of the family of the insured person; or

(c) Determine the rates or any other aspect of the coverage or benefits for health care provided to an insured person based on ~~†~~:

~~—(1) Whether~~ **whether** the insured person or any member of the family of the insured person has taken a genetic test. ~~†~~ ~~or~~

~~—(2) Any genetic information of the insured person or any member of the family of the insured person.~~

2. The provisions of this section do not apply to an insurer who issues a policy of health insurance that provides coverage for long-term care or disability income.

3. As used in this section:

(a) "Genetic information" means any information that is obtained from a genetic test.

(b) "Genetic test" means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

- (1) Are linked to physical or mental disorders or impairments; or
- (2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 10. NRS 689B.069 is hereby amended to read as follows:

689B.069 1. Except as otherwise provided in subsection 2, an insurer who provides group health insurance shall not:

- (a) Require an insured person or any member of the family of the insured person to take a genetic test;
- (b) Require an insured person to disclose whether the insured person or any member of the family of the insured person has taken a genetic test or any genetic information of the insured person or a member of the family of the insured person; or

(c) Determine the rates or any other aspect of the coverage or benefits for health care provided to an insured person based on ~~the~~

~~—(1) Whether~~ **whether** the insured person or any member of the family of the insured person has taken a genetic test. ~~the~~ or

~~—(2) Any genetic information of the insured person or any member of the family of the insured person.~~

2. The provisions of this section do not apply to an insurer who issues a policy of group health insurance that provides coverage for long-term care or disability income.

3. As used in this section:

(a) “Genetic information” means any information that is obtained from a genetic test.

(b) “Genetic test” means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

- (1) Are linked to physical or mental disorders or impairments; or
- (2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 11. NRS 689B.275 is hereby amended to read as follows:

689B.275 1. An insurer shall provide to each policyholder, or producer of insurance acting on behalf of a policyholder, on a form approved by the Commissioner, a summary of the coverage provided by each policy of group or blanket health insurance offered by the insurer. The summary must disclose any:

- (a) Significant exception, reduction or limitation that applies to the policy;
- (b) Restriction on payment for care in an emergency, including related definitions of emergency and medical necessity;
- (c) Right of the insurer to change the rate of premium and the factors, other than claims experienced, which affect changes in rate;
- (d) Provisions relating to renewability; **and**
- (e) ~~Provisions relating to preexisting conditions; and~~

~~(f)~~ Other information that the Commissioner finds necessary for full and fair disclosure of the provisions of the policy.

2. The language of the disclosure must be easily understood. The disclosure must state that it is only a summary of the policy and that the policy should be read to ascertain the governing contractual provisions.

3. The Commissioner shall not approve a proposed disclosure that does not satisfy the requirements of this section and of applicable regulations.

4. In addition to the disclosure, the insurer shall provide information about guaranteed availability of basic and standard plans for benefits to an eligible person.

5. The insurer shall provide the summary before the policy is issued.

Sec. 12. NRS 689B.500 is hereby amended to read as follows:

689B.500 ~~{A carrier that issues a group health plan or coverage under blanket accident and health insurance or group health insurance shall not deny, exclude or limit a benefit for a preexisting condition.}~~

1. A carrier shall offer and issue a ~~{policy of group health insurance}~~ health benefit plan to any ~~{person}~~ group regardless of the health status of the ~~{person}~~ group, any member of the group or any dependent of ~~{the person}~~ a member of the group. Such health status includes, without limitation:

(a) Any preexisting medical condition of ~~{the}~~ a person, including, without limitation, any physical or mental illness;

(b) The claims history of ~~{the person}~~ an insured, including, without limitation, any prior health care services received by the ~~{person}~~ insured;

(c) Genetic information relating to the ~~{person}~~ insured; and

(d) Any increased risk for illness, injury or any other medical condition of the ~~{person}~~ insured, including, without limitation, any medical condition caused by an act of domestic violence.

2. A carrier that offers or issues a ~~{policy of group health insurance}~~ health benefit plan shall not:

(a) Deny, limit or exclude a covered benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured ~~{for the covered dependent of such an insured}~~ who does not have such a health status.

3. A carrier that offers or issues a ~~{policy of group health insurance}~~ health benefit plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

4. A carrier that offers or issues a health benefit plan may include in the plan a wellness program that reduces a premium, deductible or copayment based on health status if:

(a) An insured who is eligible to participate in the wellness program is given the opportunity to qualify for the discount at least once each year;

(b) The amount of all discounts provided pursuant to such a wellness program does not exceed 30 percent, or if the program is designed to prevent or reduce tobacco use, 50 percent, of the cost of coverage for an insured or an insured and his or her dependents, as applicable, under the plan;

(c) The wellness program is reasonably designed to promote health or prevent disease;

(d) The carrier ensures that the full discount under the wellness program is available to all similarly situated insureds by providing a reasonable alternative standard by which an insured may qualify for the discount which, if based on health status, must accommodate the recommendations of the physician of the insured; and

(e) The plan discloses in all plan materials describing the terms of the wellness program, and in any disclosure that an insured did not satisfy the initial standard to be eligible for the discount, the availability of a reasonable alternative standard described in paragraph (d).

5. As used in this section, “health benefit plan” has the meaning ascribed to it in NRS 687B.470.

Sec. 13. NRS 689B.550 is hereby amended to read as follows:

689B.550 1. A carrier shall not place any restriction on a person or a dependent of the person as a condition of being a participant in or a beneficiary of a policy of blanket accident and health insurance or group health insurance that is inconsistent with the provisions of this chapter.

2. A carrier that offers coverage under a policy of blanket accident and health insurance or group health insurance pursuant to this chapter shall not establish rules of eligibility ~~that~~ **which conflict with the provisions of NRS 689B.500**, including rules which define applicable waiting periods, for the initial or continued enrollment under a group health plan offered by the carrier that are based on the following factors relating to the employee or a dependent of the employee:

- (a) Health status.
- (b) Medical condition, including physical and mental illnesses, or both.
- (c) Claims experience.
- (d) Receipt of health care.
- (e) Medical history.
- (f) Genetic information.
- (g) Evidence of insurability, including conditions which arise out of acts of domestic violence.
- (h) Disability.

3. Except as otherwise provided in NRS 689B.500, the provisions of subsection 1 do not:

- (a) Require a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the blanket health and accident insurance or group health insurance or coverage; or

(b) Prevent a carrier from establishing limitations or restrictions on the amount, level, extent or nature of the benefits or coverage for similarly situated persons.

4. ~~As a condition of enrollment or continued enrollment under a policy of blanket accident and health insurance or group health insurance, a carrier shall not require an employee to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the employee or a dependent of the employee.~~

~~5.~~ This section does not:

(a) Restrict the amount that an employer or employee may be charged for coverage by a carrier;

(b) Prevent a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Preclude a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this state.

Sec. 14. NRS 689C.159 is hereby amended to read as follows:

689C.159 The provisions of NRS 689C.156 ~~and 689C.190~~ do not apply to health benefit plans offered by a carrier if the carrier makes the health benefit plan available in the small employer market only through a bona fide association.

Sec. 15. NRS 689C.190 is hereby amended to read as follows:

689C.190 *1. A carrier ~~servicing small employers~~ that issues a health benefit plan shall ~~not deny, exclude or limit a benefit for a preexisting condition~~ offer and issue a health benefit plan to any ~~person~~ small employer regardless of the health status of the ~~person or any dependent~~ employees of the ~~person~~ small employer. Such health status includes, without limitation:*

(a) Any preexisting medical condition of ~~the person~~ an insured, including, without limitation, any physical or mental illness;

(b) The claims history of the ~~person~~ insured, including, without limitation, any prior health care services received by the ~~person~~ insured;

(c) Genetic information relating to the ~~person~~ insured; and

(d) Any increased risk for illness, injury or any other medical condition of the ~~person~~ insured, including, without limitation, any medical condition caused by an act of domestic violence.

2. A carrier that offers or issues a health benefit plan shall not:

(a) Deny, limit or exclude a covered benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance

charged to a similarly situated insured ~~for the covered dependent of such an insured~~ who does not have such a health status.

3. A carrier that offers or issues a health benefit plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

4. A carrier that offers or issues a health benefit plan may include in the plan a wellness program that reduces a premium, deductible or copayment based on health status if:

(a) An insured who is eligible to participate in the wellness program is given the opportunity to qualify for the discount at least once each year;

(b) The amount of all discounts provided pursuant to such a wellness program does not exceed 30 percent, or if the program is designed to prevent or reduce tobacco use, 50 percent, of the cost of coverage for an insured or an insured and his or her dependents, as applicable, under the plan;

(c) The wellness program is reasonably designed to promote health or prevent disease;

(d) The carrier ensures that the full discount under the wellness program is available to all similarly situated insureds by providing a reasonable alternative standard by which an insured may qualify for the discount which, if based on health status, must accommodate the recommendations of the physician of the insured; and

(e) The plan discloses in all plan materials describing the terms of the wellness program, and in any disclosure that an insured did not satisfy the initial standard to be eligible for the discount, the availability of a reasonable alternative standard described in paragraph (d).

Sec. 16. NRS 689C.193 is hereby amended to read as follows:

689C.193 1. A carrier shall not place any restriction on a small employer or an eligible employee or a dependent of the eligible employee as a condition of being a participant in or a beneficiary of a health benefit plan that is inconsistent with NRS 689C.015 to 689C.355, inclusive.

2. A carrier that offers health insurance coverage to small employers pursuant to this chapter shall not establish rules of eligibility ~~that~~ **which conflict with the provisions of NRS ~~689C.190,~~ 689B.550,** including, but not limited to, rules which define applicable waiting periods, for the initial or continued enrollment under a health benefit plan offered by the carrier that are based on the following factors relating to the eligible employee or a dependent of the eligible employee:

- (a) Health status.
- (b) Medical condition, including physical and mental illnesses, or both.
- (c) Claims experience.
- (d) Receipt of health care.
- (e) Medical history.
- (f) Genetic information.

(g) Evidence of insurability, including conditions which arise out of acts of domestic violence.

(h) Disability.

3. Except as otherwise provided in NRS 689C.190, the provisions of subsection 1 do not require a carrier to provide particular benefits other than those that would otherwise be provided under the terms of the health benefit plan or coverage.

~~4. As a condition of enrollment or continued enrollment under a health benefit plan, a carrier shall not require any person to pay a premium or contribution that is greater than the premium or contribution for a similarly situated person covered by similar coverage on the basis of any factor described in subsection 2 in relation to the person or a dependent of the person.~~

~~5.~~ Nothing in this section:

(a) Restricts the amount that a small employer may be charged for coverage by a carrier;

(b) Prevents a carrier from establishing premium discounts or rebates or from modifying otherwise applicable copayments or deductibles in return for adherence by the insured person to programs of health promotion and disease prevention; or

(c) Precludes a carrier from establishing rules relating to employer contribution or group participation when offering health insurance coverage to small employers in this State.

~~6.~~ 5. As used in this section:

(a) "Contribution" means the minimum employer contribution toward the premium for enrollment of participants and beneficiaries in a health benefit plan.

(b) "Group participation" means the minimum number of participants or beneficiaries that must be enrolled in a health benefit plan in relation to a specified percentage or number of eligible persons or employees of the employer.

Sec. 17. NRS 689C.198 is hereby amended to read as follows:

689C.198 1. Except as otherwise provided in subsection 2, a carrier serving small employers shall not:

(a) Require an insured person or any member of the family of the insured person to take a genetic test;

(b) Require an insured person to disclose whether the insured person or any member of the family of the insured person has taken a genetic test or any genetic information of the insured person or a member of the family of the insured person; or

(c) Determine the rates or any other aspect of the coverage or benefits for health care provided to an insured person based on ~~†~~:

~~(1) Whether~~ **whether** the insured person or any member of the family of the insured person has taken a genetic test. ~~†~~ or

~~(2) Any genetic information of the insured person or any member of the family of the insured person.†~~

2. The provisions of this section do not apply to a carrier serving small employers who issues a policy of health insurance that provides coverage for long-term care or disability income.

3. As used in this section:

(a) “Genetic information” means any information that is obtained from a genetic test.

(b) “Genetic test” means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

(1) Are linked to physical or mental disorders or impairments; or

(2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 18. NRS 689C.220 is hereby amended to read as follows:

689C.220 A carrier serving small employers shall not charge adjustments in rates for ~~claim experience, health status and~~ duration of coverage **or any reason prohibited by NRS 689C.190** to individual employees or dependents. Any such adjustment must be applied uniformly to the rates charged for all employees and dependents of a small employer.

Sec. 19. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society shall offer and issue a health benefit ~~contract~~ plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A society that offers or issues a health benefit ~~contract~~ plan shall not:

(a) Deny, limit or exclude a covered benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured ~~for the covered dependent of such an insured~~ who does not have such a health status.

3. A society that offers or issues a health benefit ~~contract~~ plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

4. As used in this section, "health benefit plan" has the meaning ascribed to it in NRS 687B.470.

Sec. 20. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~An insurer shall offer and issue a [contract for hospital or medical service]~~ health benefit plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. ~~An insurer that offers or issues a [contract for hospital or medical service]~~ health benefit plan shall not:

(a) Deny, limit or exclude a covered benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured ~~for the covered dependent of such an insured]~~ who does not have such a health status.

3. ~~An insurer that offers or issues a [contract for hospital or medical service]~~ health benefit plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

4. An insurer that offers or issues a health benefit plan may include in the plan a wellness program that reduces a premium, deductible or copayment based on health status if:

(a) An insured who is eligible to participate in the wellness program is given the opportunity to qualify for the discount at least once each year;

(b) The amount of all discounts provided pursuant to such a wellness program does not exceed 30 percent, or if the program is designed to prevent or reduce tobacco use, 50 percent, of the cost of coverage for an insured or an insured and his or her dependents, as applicable, under the plan;

(c) The wellness program is reasonably designed to promote health or prevent disease;

(d) The insurer ensures that the full discount under the wellness program is available to all similarly situated insureds by providing a reasonable alternative standard by which an insured may qualify for the discount which, if based on health status, must accommodate the recommendations of the physician of the insured; and

(e) The plan discloses in all plan materials describing the terms of the wellness program, and in any disclosure that an insured did not satisfy the initial standard to be eligible for the discount, the availability of a reasonable alternative standard described in paragraph (d).

5. As used in this section, "health benefit plan" has the meaning ascribed to it in NRS 687B.470.

Sec. 21. NRS 695B.193 is hereby amended to read as follows:

695B.193 1. All individual and group service or indemnity-type contracts issued by a nonprofit corporation which provide coverage for a family member of the subscriber must as to such coverage provide that the health benefits applicable for children are payable with respect to:

- (a) A newly born child of the subscriber from the moment of birth;
- (b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and
- (c) A child placed with the subscriber for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.

↪ The contracts must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The contract may require that notification of:

- (a) The birth of a newly born child;
- (b) The effective date of adoption of a child; or
- (c) The date of placement of a child for adoption,

↪ and payments of the required fees, if any, must be furnished to the nonprofit service corporation within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~{A corporation shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that contract. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689C.190.~~

~~—5—~~ For covered services provided to the child, the corporation shall reimburse noncontracted providers of health care to an amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 22. NRS 695B.2555 is hereby amended to read as follows:

695B.2555 A converted contract ~~must not exclude a preexisting condition not excluded by the group contract, but a converted contract~~ may provide that any hospital, surgical or medical benefits payable under it may be reduced by the amount of any benefits payable under the group contract after his or her termination. A converted contract may provide that during the first contract year the benefits payable under it, together with the benefits payable under the group contract, must not exceed those that would have been payable if the subscriber's coverage under the group contract had remained in effect.

Sec. 23. NRS 695B.317 is hereby amended to read as follows:

695B.317 1. Except as otherwise provided in subsection 2, a corporation that provides health insurance shall not:

- (a) Require an insured person or any member of the family of the insured person to take a genetic test;
- (b) Require an insured person to disclose whether the insured person or any member of the family of the insured person has taken a genetic test or any genetic information of the insured person or a member of the family of the insured person; or
- (c) Determine the rates or any other aspect of the coverage or benefits for health care provided to an insured person based on ~~the~~
 - ~~(1) Whether~~ **whether** the insured person or any member of the family of the insured person has taken a genetic test. ~~the~~ or
 - ~~(2) Any genetic information of the insured person or any member of the family of the insured person.~~

2. The provisions of this section do not apply to a corporation that issues a policy of health insurance that provides coverage for long-term care or disability income.

3. As used in this section:

- (a) "Genetic information" means any information that is obtained from a genetic test.
- (b) "Genetic test" means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:
 - (1) Are linked to physical or mental disorders or impairments; or
 - (2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization shall offer and issue a health ~~care~~ benefit plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

- (a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;**

(b) *The claims history of the person, including, without limitation, any prior health care services received by the person;*

(c) *Genetic information relating to the person; and*

(d) *Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.*

2. *A health maintenance organization that offers or issues a health ~~care~~ benefit plan shall not:*

(a) *Deny, limit or exclude a covered benefit based on the health status of an enrollee; or*

(b) *Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee ~~for the covered dependent of such an enrollee~~ who does not have such a health status.*

3. *A health maintenance organization that offers or issues a health ~~care~~ benefit plan shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered dependent of the enrollee.*

4. *A health maintenance organization that offers or issues a health benefit plan may include in the plan a wellness program that reduces a premium, deductible or copayment based on health status if:*

(a) An enrollee who is eligible to participate in the wellness program is given the opportunity to qualify for the discount at least once each year;

(b) The amount of all discounts provided pursuant to such a wellness program does not exceed 30 percent, or if the program is designed to prevent or reduce tobacco use, 50 percent, of the cost of coverage for an enrollee or an enrollee and his or her dependents, as applicable, under the plan;

(c) The wellness program is reasonably designed to promote health or prevent disease;

(d) The health maintenance organization ensures that the full discount under the wellness program is available to all similarly situated enrollees by providing a reasonable alternative standard by which an enrollee may qualify for the discount which, if based on health status, must accommodate the recommendations of the physician of the enrollee; and

(e) The plan discloses in all plan materials describing the terms of the wellness program, and in any disclosure that an enrollee did not satisfy the initial standard to be eligible for the discount, the availability of a reasonable alternative standard described in paragraph (d).

5. *As used in this section, “health benefit plan” has the meaning ascribed to it in NRS 687B.470.*

Sec. 25. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this

chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1708, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 **and section 24 of this act** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 26. NRS 695C.173 is hereby amended to read as follows:

695C.173 1. All individual and group health care plans which provide coverage for a family member of the enrollee must as to such coverage provide that the health care services applicable for children are payable with respect to:

- (a) A newly born child of the enrollee from the moment of birth;
 - (b) An adopted child from the date the adoption becomes effective, if the child was not placed in the home before adoption; and
 - (c) A child placed with the enrollee for the purpose of adoption from the moment of placement as certified by the public or private agency making the placement. The coverage of such a child ceases if the adoption proceedings are terminated as certified by the public or private agency making the placement.
- ↪ The plans must provide the coverage specified in subsection 3, and must not exclude premature births.

2. The evidence of coverage may require that notification of:

- (a) The birth of a newly born child;
- (b) The effective date of adoption of a child; or
- (c) The date of placement of a child for adoption,

↪ and payments of the required charge, if any, must be furnished to the health maintenance organization within 31 days after the date of birth, adoption or placement for adoption in order to have the coverage continue beyond the 31-day period.

3. The coverage for newly born and adopted children and children placed for adoption consists of preventive health care services as well as coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities and, within the limits of the policy, necessary transportation costs from place of birth to the nearest specialized treatment center under major medical policies, and with respect to basic policies to the extent such costs are charged by the treatment center.

4. ~~¶A health maintenance organization shall not restrict the coverage of a dependent child adopted or placed for adoption solely because of a preexisting condition the child has at the time the child would otherwise become eligible for coverage pursuant to that plan. Any provision relating to an exclusion for a preexisting condition must comply with NRS 689B.500 or 689C.190, as appropriate.~~

~~5.¶~~ For covered services provided to the child, the health maintenance organization shall reimburse noncontracted providers of health care to an amount equal to the average amount of payment for which the organization has agreements, contracts or arrangements for those covered services.

Sec. 27. NRS 695C.207 is hereby amended to read as follows:

695C.207 1. A health maintenance organization shall not:

(a) Require an enrollee or any member of the family of the enrollee to take a genetic test;

(b) Require an enrollee to disclose whether the enrollee or any member of the family of the enrollee has taken a genetic test or the genetic information of the enrollee or a member of the family of the enrollee; or

(c) Determine the rates or any other aspect of the coverage or benefits for health care provided to an enrollee based on ~~¶~~

~~—(1) Whether~~ **whether** the enrollee or any member of the family of the enrollee has taken a genetic test. ~~¶; or~~

~~—(2) Any genetic information of the enrollee or any member of the family of the enrollee.¶~~

2. As used in this section:

(a) “Genetic information” means any information that is obtained from a genetic test.

(b) “Genetic test” means a test, including a laboratory test which uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

(1) Are linked to physical or mental disorders or impairments; or

(2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 28. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, **and section 24 of this act**, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 29. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. A prepaid limited health service organization shall offer and issue ~~evidence of coverage~~ a health benefit plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A prepaid limited health service organization that offers or issues ~~evidence of coverage~~ a health benefit plan shall not:

(a) Deny, limit or exclude a covered benefit based on the health status of an enrollee; or

(b) Require an enrollee, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated enrollee ~~for the covered dependent of such an enrollee~~ who does not have such a health status.

3. A prepaid limited health service organization that offers or issues ~~evidence of coverage~~ a health benefit plan shall not adjust a premium, deductible, copay or coinsurance for any enrollee on the basis of genetic information relating to the enrollee or the covered dependent of the enrollee.

4. A prepaid limited health service organization that offers or issues a health benefit plan may include in the plan a wellness program that reduces a premium, deductible or copayment based on health status if:

(a) An enrollee who is eligible to participate in the wellness program is given the opportunity to qualify for the discount at least once each year;

(b) The amount of all discounts provided pursuant to such a wellness program does not exceed 30 percent, or if the program is designed to prevent or reduce tobacco use, 50 percent, of the cost of coverage for an enrollee or an enrollee and his or her dependents, as applicable, under the plan;

(c) The wellness program is reasonably designed to promote health or prevent disease;

(d) The prepaid limited health service organization ensures that the full discount under the wellness program is available to all similarly situated enrollees by providing a reasonable alternative standard by which an enrollee may qualify for the discount which, if based on health status, must accommodate the recommendations of the physician of the enrollee; and

(e) The plan discloses in all plan materials describing the terms of the wellness program, and in any disclosure that an enrollee did not satisfy the initial standard to be eligible for the discount, the availability of a reasonable alternative standard described in paragraph (d).

5. As used in this section, "health benefit plan" has the meaning ascribed to it in NRS 687B.470.

Sec. 30. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization shall offer and issue a health ~~care~~ benefit plan to any person regardless of the health status of the person or any dependent of the person. Such health status includes, without limitation:

(a) Any preexisting medical condition of the person, including, without limitation, any physical or mental illness;

(b) The claims history of the person, including, without limitation, any prior health care services received by the person;

(c) Genetic information relating to the person; and

(d) Any increased risk for illness, injury or any other medical condition of the person, including, without limitation, any medical condition caused by an act of domestic violence.

2. A managed care organization that offers or issues a health ~~care~~ benefit plan shall not:

(a) Deny, limit or exclude a covered benefit based on the health status of an insured; or

(b) Require an insured, as a condition of enrollment or renewal, to pay a premium, deductible, copay or coinsurance based on his or her health status which is greater than the premium, deductible, copay or coinsurance charged to a similarly situated insured ~~for the covered dependent of such an insured~~ who does not have such a health status.

3. A managed care organization that offers or issues a health ~~care~~ benefit plan shall not adjust a premium, deductible, copay or coinsurance for any insured on the basis of genetic information relating to the insured or the covered dependent of the insured.

4. A managed care organization that offers or issues a health benefit plan may include in the plan a wellness program that reduces a premium, deductible or copayment based on health status if:

(a) An insured who is eligible to participate in the wellness program is given the opportunity to qualify for the discount at least once each year;

(b) The amount of all discounts provided pursuant to such a wellness program does not exceed 30 percent, or if the program is designed to prevent or reduce tobacco use, 50 percent, of the cost of coverage for an insured or an insured and his or her dependents, as applicable, under the plan;

(c) The wellness program is reasonably designed to promote health or prevent disease;

(d) The managed care organization ensures that the full discount under the wellness program is available to all similarly situated insureds by providing a reasonable alternative standard by which an insured may qualify for the discount which, if based on health status, must accommodate the recommendations of the physician of the insured; and

(e) The plan discloses in all plan materials describing the terms of the wellness program, and in any disclosure that an insured did not satisfy the initial standard to be eligible for the discount, the availability of a reasonable alternative standard described in paragraph (d).

5. As used in this section, “health benefit plan” has the meaning ascribed to it in NRS 687B.470.

Sec. 30.5. NRS 232.459 is hereby amended to read as follows:

232.459 1. The Advocate shall:

(a) Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

(b) Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(c) Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(1) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(2) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

(d) Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

(e) Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

(f) Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Advocate pursuant to this section;

(g) In appropriate cases and pursuant to the direction of the Advocate, refer a complaint or the results of an investigation to the Attorney General for further action;

(h) Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

(i) Establish and maintain an Internet website which includes:

(1) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(2) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(3) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State; ~~and~~

(j) Assist consumers with accessing a navigator, case manager or facilitator to help the consumer obtain health care services;

(k) Assist consumers with scheduling an appointment with a provider of health care who is in the network of providers under contract to provide services to participants in the health care plan under which the consumer is covered;

(l) Assist consumers with filing complaints against health care facilities and health care professionals. [As used in this paragraph, "health care facility" has the meaning ascribed to it in NRS 162A.740.] ;

(m) Assist consumers with filing complaints with the Commissioner of Insurance against issuers of health care plans; and

(n) On or before January 31 of each year, compile a report of aggregated information submitted to the Office for Consumer Health Assistance pursuant to section 4.5 of this act, aggregated for each type of provider of health care for which such information is provided and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

2. The Advocate may adopt regulations to carry out the provisions of this section and NRS 232.461 and 232.462.

3. As used in this section:

(a) “Health care facility” has the meaning ascribed to it in NRS 162A.740.

(b) “Navigator, case manager or facilitator” has the meaning ascribed to it in section 4.5 of this act.

Sec. 31. NRS 287.010 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 31.5. NRS 287.0205 is hereby amended to read as follows:

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, except as otherwise provided in NRS 287.0475, in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

↪ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. ~~If a plan is considered grandfathered under the Patient Protection and Affordable Care Act, Public Law 111-148, reinstatement of insurance pursuant to subsection 1 may exclude claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.~~ **If a plan provides coverage only to retired public officers and employees and dependents thereof, reinstatement of insurance pursuant to subsection 1 may exclude claims for expenses related to any condition for which medical advice, treatment or consultation was rendered within 12 months before the reinstatement.**

5. The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons, commingle the claims experience of such persons with the claims experience of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 32. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255,

695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, **and section 30 of this act** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 33. Section 15 of chapter 453, Statutes of Nevada 2011, at page 2746, is hereby amended to read as follows:

Sec. 15. 1. This section and sections 4 and 12 of this act become effective on July 1, 2011.

2. Sections 1, 2, 3, 5 to 11, inclusive, 13 and 14 of this act become effective on October 1, 2011.

3. Section 4.5 of this act becomes effective on ~~the date on which the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, cease to allow a grandfathered health plan to exclude claims for preexisting medical conditions.~~ **January 1, 2020.**

Sec. 34. The provisions of sections ~~4, 7, 12, 15, 19, 20, and 24,~~ **29 and 30** of this act apply to any contract, agreement, network plan, policy of health insurance, policy of group health insurance, health benefit plan, benefit contract, contract for hospital or medical service and health care plan that is delivered, issued for delivery or renewed on or after January 1, 2020.

Sec. 34.5. 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. 35. NRS 689A.523, 689A.585, 689B.450, 689C.082, 695A.159 and 695F.480 are hereby repealed.

Sec. 36. *This act becomes effective:*

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

2. *On January 1, 2020, for all other purposes.*

LEADLINES OF REPEALED SECTIONS

689A.523 “Exclusion for a preexisting condition” defined.

689A.585 “Preexisting condition” defined.

689B.450 “Preexisting condition” defined.

689C.082 “Preexisting condition” defined.

695A.159 Society prohibited from restricting coverage of child based on preexisting condition when person who is eligible for group coverage adopts or assumes legal obligation for child.

695F.480 Organization prohibited from restricting coverage of child based on preexisting condition if person who is eligible for group coverage adopts or assumes legal obligation for child.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 223.

Bill read second time.

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

Amendment No. 219.

SUMMARY—Requires the Department of Health and Human Services to seek a federal waiver to ~~allow~~ **provide** certain dental care for persons with diabetes. ~~[to be included in the State Plan for Medicaid.]~~ (BDR 38-544)

AN ACT relating to public welfare; requiring the Department of Health and Human Services to seek a federal waiver to ~~allow~~ **provide** certain dental care for persons with diabetes; ~~[to be included in the State Plan for Medicaid.]~~ making an appropriation to pay for the provision of such care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes a state to apply for and obtain a waiver of certain requirements concerning the Medicaid program for an experimental, pilot or demonstration project that is likely to assist in promoting the goals of that program. (42 U.S.C. § 1315) **Section 1** of this bill requires the Department of Health and Human Services to apply for such a waiver to ~~[include in the State Plan for Medicaid coverage for]~~ **provide** certain dental care for persons with diabetes who are at least 21 years of age. **Section 2** of this bill makes a conforming change. **Sections 3 and 4** of this bill require a health maintenance organization or managed care organization that provides health care services through managed care to recipients of Medicaid to provide to such a recipient who is eligible to receive dental coverage pursuant to **section 2** of his or her eligibility for such care. **Section 5** of this bill appropriates money to the Department to carry out the waiver. **Section 6** of this bill requires the Department to: (1) use effective purchasing methods, including collaborating with other public and nonprofit entities that provide health coverage to negotiate lower prices for services, when implementing the waiver; and (2) submit to the 81st Session of the Legislature a report concerning the implementation of the waiver.

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

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

1. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 to authorize the Department to ~~[include in the State Plan for Medicaid coverage for]~~ provide the dental care described in this section for persons with diabetes who are at

least 21 years of age. To the extent authorized by the waiver, such dental care must consist of an initial oral evaluation and, if that evaluation determines, in accordance with the criteria for periodontal disease prescribed by the American Academy of Periodontology or its successor organization, that:

(a) *The person does not have periodontal disease:*

(1) Dental prophylaxis for adults, an oral evaluation ~~and~~, the tracking and monitoring of glycosylated hemoglobin ~~testing~~ and notification of the person and his or her primary care provider, if any, concerning abnormal results once every 180 days;

(2) A comprehensive periodontal evaluation annually; and

(3) Filling of cavities, as necessary.

(b) *The person has periodontal disease:*

(1) Up to four quadrants of periodontal scaling and root planing every 36 months or, if periodontal scaling and root planing are determined to be unnecessary in accordance with the guidelines prescribed by the American Dental Association or its successor organization, dental prophylaxis for adults every 180 days;

(2) One periodontal maintenance procedure every 91 days;

(3) ~~Glycosylated~~ Tracking and monitoring of glycosylated hemoglobin ~~testing~~ and notification of the person and his or her primary care provider, if any, concerning abnormal results every 90 days; and

(4) Filling of cavities, as necessary.

2. *The Director shall collaborate with the Division of Public and Behavioral Health of the Department when carrying out the provisions of this section.*

3. *As used in this section, "dental prophylaxis" means the use of dental tools and polishing procedures to remove plaque, tartar and stains from the portion of the tooth that extends above the gum line.*

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

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430,

inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 3. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

If the Department of Health and Human Services obtains a waiver to provide the dental care described in section 1 of this act, a health maintenance organization that provides health care services through managed care to recipients of Medicaid must:

1. Provide written notice to each such recipient who is diagnosed with diabetes and is eligible to receive dental care pursuant to section 1 of this act of his or her eligibility to receive such care; and

2. Coordinate with any entity necessary to ensure that eligible recipients of Medicaid receive the benefits prescribed by that section.

Sec. 4. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

If the Department of Health and Human Services obtains a waiver to provide the dental care described in section 1 of this act, a managed care organization that provides health care services through managed care to recipients of Medicaid must:

1. Provide written notice to each such recipient who is diagnosed with diabetes and is eligible to receive dental care pursuant to section 1 of this act of his or her eligibility to receive such care; and

2. Coordinate with any entity necessary to ensure that eligible recipients of Medicaid receive the benefits prescribed by that section.

Sec. 5. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for the purpose of carrying out the provisions of section 1 of this act the following sums:

For the Fiscal Year 2019-2020	\$7,000,000
For the Fiscal Year 2020-2021	\$7,000,000

2. The sums appropriated by this section are available for either fiscal year. Any remaining balance of those sums 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. 6. 1. The Department of Health and Human Services shall use effective purchasing methods when carrying out the provisions of section 1 of this act. Such methods must include, without limitation and to the extent practicable, collaborating with the Department of Administration to negotiate prices for the purchase of the services described in section 1 of this act for recipients of Medicaid and other coverage funded by the State.

2. On or before January 1, 2021, the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Division of Public and Behavioral Health of the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the implementation of section 1 of this act.

Sec. 7. This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

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

Amendment No. 613.

AN ACT relating to services to aging and disabled persons; expanding the jurisdiction of the State Long-Term Care Ombudsman to perform certain actions to protect the health, safety, welfare and civil rights of certain persons receiving services from certain entities other than long-term care facilities; revising the duties of the Ombudsman; requiring **the Aging and Disability Services Division of the Department of Health and Human Services to adopt regulations requiring** certain such facilities and providers of services to post information relating to the procedure for making a complaint to the Ombudsman ~~to~~ **and prescribing a civil penalty for failure to comply with such regulations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of residents of facilities for long-term care. (NRS 427A.125) The Ombudsman is required to train advocates whom the Ombudsman appoints to perform certain duties, including: (1) receiving, investigating and attempting to resolve complaints by residents of facilities for long-term care; and (2) investigating acts, practices, policies or procedures of facilities for long-term care and governmental agencies which relate to such care. (NRS 427A.125, 427A.127) **Section 6** of this bill expands the jurisdiction of the Ombudsman to include advocating for recipients of services from day care centers for adults, facilities for long-term rehabilitation and living arrangement services. **Section 2** of this bill defines the term "facility for long-term rehabilitation" to mean a facility that provides residential services for rehabilitation from an acute illness or injury in which a recipient may reside for longer than 1 month. **Section 3** of this bill defines the term "living arrangement services" to include certain services provided in the home of a person with a mental illness, a person with an intellectual disability or a person with a related condition.

Existing law authorizes the Ombudsman or an advocate to enter onto the premises of a facility for long-term care to investigate or review any act, practice, policy, procedure or condition that may adversely affect the health, safety, welfare or civil rights of a resident of the facility. Such investigations may be conducted periodically or pursuant to a complaint. (NRS 427A.125, 427A.135) In conducting such an investigation or review, the Ombudsman or advocate may: (1) inspect the facility and its records; (2) interview officers, directors, employees and residents of the facility as well as legal guardians and

families of residents and persons designated as responsible for decisions concerning the care of residents; and (3) obtain assistance and information from any agency of this State. (NRS 427A.145) A person who interferes with such an investigation or review is subject to an administrative fine of not more than \$1,000 for each violation. (NRS 427A.135) **Section 4.5 of this bill authorizes the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services to direct the Ombudsman or an advocate to investigate a complaint involving a recipient who receives services from a facility for long-term care, day care center for adults, facility for long-term rehabilitation or provider of living arrangement services. Sections 6, 7 and 9 of this bill [additionally authorize] expand the authority of the Ombudsman or an advocate to [engage in these actions with respect to the additional providers of] respond to complaints involving a recipient who receives services [included within the jurisdiction of the Ombudsman.] from a day care center for adults, facility for long-term rehabilitation or provider of living arrangement services.**

Section 8 of this bill prohibits retaliation against any person who files a complaint with, or provides information to, the Ombudsman or an advocate. A person who violates this prohibition is subject to an administrative fine of not more than \$1,000 for each violation. **Section 10** of this bill requires **the Division to adopt regulations: (1) requiring** a facility for long-term care, adult day care center, facility for long-term rehabilitation or provider of living arrangement services to post ~~[in a prominent place inside each building operated by the facility or provider in which services are provided]~~ instructions concerning the procedure for making a complaint to the Ombudsman or an advocate. ~~Sections 11 and 12 of this bill authorize disciplinary action against a facility licensed pursuant to chapter 449 of NRS or an administrator of a facility for long-term care for failing to post such information.] ; and (2) prescribing a penalty for failure to comply with this requirement.~~

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3 and 4~~ **to 4.5, inclusive**, of this act.

Sec. 2. *“Facility for long-term rehabilitation” means a facility that provides residential services for rehabilitation from an acute illness or injury in which a recipient may reside for longer than 1 month.*

Sec. 3. *“Living arrangement services” means:*

1. *Community-based living arrangement services, as defined in NRS 433.605, that include:*

(a) Intensive services and overnight supervision of recipients who require training concerning behavioral skills, self-care and management of medications; or

(b) *Services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services, or both; and*

2. *Supported living arrangement services, as defined in NRS 435.3315, that include 24-hour care.*

Sec. 4. *“Recipient” means a person who receives:*

1. *Services from a facility for long-term care, a day care center or a facility for long-term rehabilitation; or*

2. *Living arrangement services.*

Sec. 4.5. 1. *The Administrator may direct the Ombudsman or an advocate to investigate a complaint involving a recipient.*

2. *If the Administrator directs an investigation pursuant to subsection 1, the Ombudsman or an advocate shall conduct an investigation of the complaint.*

Sec. 5. NRS 427A.020 is hereby amended to read as follows:

427A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 427A.021 to 427A.0295, inclusive, **and sections 2, 3 and 4 of this act** have the meanings ascribed to them in those sections.

Sec. 6. NRS 427A.125 is hereby amended to read as follows:

427A.125 1. The Office of the State Long-Term Care Ombudsman is hereby created within the Division.

2. The Administrator shall appoint the State Long-Term Care Ombudsman to advocate for the protection of the health, safety, welfare and rights of ~~residents of facilities for long-term care.~~ **recipients**. The Ombudsman is in the classified service of the State. The Ombudsman shall, under direction of the Administrator:

(a) Train advocates to:

(1) Receive, investigate and attempt to resolve complaints made by or on behalf of ~~residents of facilities for long-term care.~~ **recipients**.

(2) Investigate acts, practices, policies or procedures of any facility for long-term care, **day care center, facility for long-term rehabilitation or provider of living arrangement services** or any governmental agency which relates to such care **or services** and may adversely affect the health, safety, welfare or civil rights of ~~residents of such facilities.~~ **recipients** and report the results of the investigations to the Ombudsman and the Administrator.

(3) Record and analyze information and complaints about facilities for long-term care, **day care centers, facilities for long-term rehabilitation and providers of living arrangement services** to identify problems affecting ~~their residents.~~ **recipients to whom they provide services**.

(4) Provide for the support and development of ~~resident~~ **recipient** and family councils to protect the well-being and rights of ~~residents of facilities for long-term care.~~ **recipients**.

(5) Assist facilities for long-term care, **day care centers, facilities for long-term rehabilitation and providers of living arrangement services** to

provide services to ~~residents~~ **recipients** in the manner set forth in paragraph (b).

(b) Develop a course of training to be made available to officers, directors and employees of a facility for long-term care , **a day care center, a facility for long-term rehabilitation or a provider of living arrangement services** to encourage such facilities **and providers** to provide services to ~~their residents~~ **recipients** in a manner that allows the ~~residents~~ **recipients** to follow their own routine and make their own decisions concerning the daily activities in which to participate. The course must also provide information concerning how to provide services in that manner.

(c) Coordinate services within the Department which may affect ~~residents~~ **recipients** and prospective ~~residents of facilities for long-term care~~ **recipients** to ensure that such services are made available to eligible persons.

(d) Provide information to interested persons and to the general public concerning the functions and activities of the Ombudsman.

(e) Report annually to the Administrator.

3. The Ombudsman may:

(a) Analyze, provide comment on and monitor the development and implementation of any federal, state or local governmental action, activity or program that relates to the protection of the health, safety, welfare and rights of ~~residents of facilities for long-term care;~~ **recipients**; and

(b) Recommend changes to any federal, state or local governmental action, activity or program described in paragraph (a) without the prior approval of the Administrator.

Sec. 7. NRS 427A.135 is hereby amended to read as follows:

427A.135 1. The Ombudsman or an advocate may:

(a) Upon a complaint by or on behalf of a ~~resident;~~ **recipient**, investigate any act or policy which the Ombudsman or advocate has reason to believe may adversely affect the health, safety, welfare or civil rights of any ~~resident of a facility for long-term care;~~ **recipient**; and

(b) Make periodic visits to any facility for long-term care , **day care center, facility for long-term rehabilitation, facility maintained by a provider of living arrangement services or, with the consent of a recipient of living arrangement services, the residence of the recipient** to provide information to ~~the residents of the facility~~ **recipients** and to review generally any act, practice, policy, procedure or condition which may adversely affect the health, safety, welfare or civil or other rights of any ~~resident of the facility;~~ **recipient**.

2. The Ombudsman or an advocate may enter ~~any~~ :

(a) **Any** facility for long-term care , **day care center, facility for long-term rehabilitation or facility maintained by a provider of living arrangement services** and any area within ~~the~~ **such a** facility at reasonable times with or without prior notice and must be permitted access to ~~residents~~ **recipients** of **services from** the facility at all times. Upon arrival at the facility, the Ombudsman or advocate shall make his or her presence known to the staff of the facility and shall present appropriate identification.

(b) *With the consent of a recipient of living arrangement services, the residence of the recipient.*

~~3. At least quarterly, the Ombudsman shall visit each facility maintained by a provider of living arrangement services to provide information to recipients and review the practices, policies, procedures and conditions of the facility.~~

~~4.~~ A person shall not willfully interfere with the Ombudsman or an advocate in the performance of any investigation or visitation pursuant to this section. If any person is found, after notice and a hearing, to have willfully violated any provision of this subsection, the Director, at the request of the Administrator, may refer the matter to the Division for the imposition of an administrative fine of not more than \$1,000 for each violation.

~~4.~~ ~~5.~~ Any money collected as a result of an administrative fine imposed pursuant to this section must be deposited in the State General Fund.

~~5.~~ ~~6.~~ Each ~~resident~~ **recipient** has the right to request, deny or terminate visits with the Ombudsman or an advocate. **Nothing in this subsection shall be construed to require the Ombudsman or an advocate to investigate a complaint made by or on behalf of a recipient.**

~~6.~~ ~~7.~~ The Ombudsman or an advocate is not liable civilly for the good faith performance of any investigation.

Sec. 8. NRS 427A.138 is hereby amended to read as follows:

427A.138 1. An officer, director or employee of a facility for long-term care , *day care center, facility for long-term rehabilitation or provider of living arrangement services* shall not retaliate against any person for having filed a complaint with, or provided information to, the Ombudsman or an advocate.

2. If any person is found, after notice and a hearing, to have violated any provision of subsection 1, the Director, at the request of the Administrator, may refer the matter to the Division for the imposition of an administrative fine of not more than \$1,000 for each violation.

3. Any money collected as a result of an administrative fine imposed pursuant to this section must be deposited in the State General Fund.

Sec. 9. NRS 427A.145 is hereby amended to read as follows:

427A.145 In conducting an investigation, the Ombudsman or an advocate may:

1. Inspect any facility for long-term care , *day care center, facility for long-term rehabilitation or facility maintained by a provider of living arrangement services* and any records maintained by the facility. Except as otherwise provided in this subsection, ~~the~~ medical and personal financial records may be inspected only with the informed consent of the ~~resident,~~ **recipient**, the legal guardian of the ~~resident,~~ **recipient** or the person or persons designated as responsible for decisions regarding the ~~resident,~~ **recipient**. Such consent must be obtained in accordance with the provisions of 45 C.F.R. § 1324.11(e)(2) and may be obtained orally, visually, in writing or through the use of auxiliary aids and services, as long as such consent is documented by

the Ombudsman or the advocate. If the provisions of 45 C.F.R. § 1324.11(e)(2) authorize records to be inspected without the consent of the ~~resident,~~ **recipient**, the legal guardian of the ~~resident~~ **recipient** or the person or persons designated as responsible for decisions regarding the ~~resident,~~ **recipient**, the inspection may be conducted without consent.

2. ***With the consent of a recipient of living arrangement services, inspect the residence of the recipient.***

3. Interview:

(a) Officers, directors and employees of any facility for long-term care, ***day care center, facility for long-term rehabilitation or provider of living arrangement services***, including any licensed provider of health care as defined in NRS 629.031, who renders services to the facility or ~~fits residents,~~ ***provider or recipients of services from the facility or provider.***

(b) Any ~~resident of the facility~~ **recipient** and the legal guardian of the ~~resident,~~ **recipient**, if any, and the family of the ~~resident,~~ **recipient** or the person or persons designated as responsible for decisions regarding his or her care if the ~~resident,~~ **recipient** consents to the interview.

~~3.~~ 4. Obtain such assistance and information from any agency of the State or its political subdivisions as is necessary properly to perform the investigation.

Sec. 10. NRS 427A.165 is hereby amended to read as follows:

427A.165 1. ***The Division shall adopt regulations:***

(a) Requiring a facility for long-term care, day care center, facility for long-term rehabilitation or provider of living arrangement services to post instructions concerning the procedure for making a complaint to the Ombudsman or an advocate. Such instructions must include, without limitation, any telephone number, electronic mail address or Internet website established for making such a complaint.

(b) Prescribing a civil penalty not to exceed \$500 for failure to comply with the regulations adopted pursuant to paragraph (a).

2. The Division may adopt regulations regarding the requirement, contents, posting and distribution of a notice which describes the purpose of the Ombudsman and an advocate and sets forth the procedure for making a complaint to the Ombudsman or an advocate.

~~2. A facility for long-term care, day care center, facility for long-term rehabilitation or provider of living arrangement services shall post in a prominent place inside each building operated by the facility or provider where services are provided to recipients instructions on the procedure for making a complaint to the Ombudsman or an advocate. Such instructions must include, without limitation, any telephone number, electronic mail address or any Internet website established for making such a complaint.~~

~~3. The Division shall notify each facility for long-term care, day care center, facility for long-term rehabilitation or provider of living arrangement services of the requirements of subsection 2.~~

Sec. 11. ~~NRS 449.160 is hereby amended to read as follows:~~

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

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

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

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

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

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

~~(f) Failure to comply with the provisions of NRS 449.2486.~~

~~(g) Failure to comply with the provisions of subsection 2 of NRS 427A.165.~~

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

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

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

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

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

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

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

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

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

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

~~—(a) Any complaints included in the log maintained by the Division pursuant to subsection 2; and~~

~~—(b) Any disciplinary actions taken by the Division pursuant to subsection 2.~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 654.190 is hereby amended to read as follows:~~

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

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

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

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

~~—(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.~~

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

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

~~—(g) *Fails to ensure that a facility for skilled nursing, facility for intermediate care or residential facility for groups complies with the provisions of subsection 2 of NRS 427A.165.*~~

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

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

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

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

~~Sec. 13. 1. On and after July 1, 2019, any regulations adopted by the Aging and Disability Services Division of the Department of Health and Human Services or the Administrator of the Division before July 1, 2019, to carry out the provisions of NRS 427A.125 to 427A.165, inclusive, apply to day care centers, facilities for long term rehabilitation and providers of living arrangement services over which the Office of the State Long Term Care Ombudsman has authority to regulate pursuant to the amendatory provisions of sections 6 to 10, inclusive, of this act, in the same manner and to the same extent as other facilities to which those regulations have applied before July 1, 2019.~~

~~2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, add a reference to day care centers, facilities for long term rehabilitation and providers of living arrangement services to any provision of the Nevada Administrative Code described in subsection 1 which references a facility for long term care.~~

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

~~(a) "Day care center" has the meaning ascribed to it in NRS 427A.024.~~

~~(b) "Facility for long term rehabilitation" means a facility that provides residential services for rehabilitation from an acute illness or injury in which a recipient may reside for longer than 1 month.~~

~~(c) "Living arrangement services" means:~~

~~(1) Community based living arrangement services, as defined in NRS 433.605, that include:~~

~~(I) Intensive services and overnight supervision of recipients who require training concerning behavioral skills, self care and management of medications; or~~

~~(II) Services in the home for recipients with chronic medical conditions and severe mental illness who require habilitation or rehabilitation services, or both; and~~

~~(2) Supported living arrangement services, as defined in NRS 435.3315, that include 24 hour care. (Deleted by amendment.)~~

Sec. 14. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2019. 2020, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 234.

Bill read second time.

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

Amendment No. 414.

SUMMARY—Makes various changes relating to ~~the reimbursement provided by~~ the Program for Child Care and Development, ~~for certain child care~~ (BDR 38-305)

AN ACT relating to child care; ~~making various changes concerning the reimbursement provided by~~ **requiring** the Program for Child Care and Development to ~~pay for the cost of certain~~ **include measures to increase the availability of** child care ~~for~~ **for children with disabilities**; requiring the Program to ~~provide an enhanced rate of reimbursement for certain~~ **reimburse a portion of the cost of** child care provided to a child ~~with a disability~~; **of a parent enrolled in certain educational programs**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Child Care and Development Block Grant Act of 1990, a program that provides block grants to states to provide child care services for certain children. (42 U.S.C. §§ 9857 et seq.) To receive such a block grant, a state is required to submit a state plan that meets certain requirements and outlines the services that the state proposes to fund using the grant. (42 U.S.C. § 9858c) Existing Nevada law requires the Department of Health and Human Services to administer the Program for Child Care and Development in this State. (NRS 422A.338) This bill requires the state plan for the Program to include requirements that the Program ~~provide reimbursement for~~: (1) ~~the entire cost of child care provided to a foster child;~~ (2) ~~child care provided to a child with a disability at an enhanced rate for certain providers;~~ **include measures to increase the availability of child care for children with disabilities**; and ~~(3)~~ **(2) reimburse a portion of** the cost of child care provided to the children of certain eligible parents who are enrolled in ~~an~~ **certain** educational or vocational ~~program~~ **programs** that ~~awards~~ **award** a degree or certificate. **This bill further requires the Director of the Department to prepare an annual report for the Legislature concerning the plan.**

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

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

1. *To the extent authorized by federal law, the Director shall include in the state plan established for the Program for Child Care and Development pursuant to 42 U.S.C. § 9858c ~~a requirement that the Program provide reimbursement for~~*

~~**1.** *The entire cost of child care provided to a foster child paid at an amount that does not exceed the standard amount paid for such care, as determined by the Director;*~~

~~**2.** *Child*~~ :

(a) Measures to increase the availability of child care for children with a disability, including, without limitation:

(1) An enhanced rate of reimbursement or other economic incentives for care provided to a child with a disability by a provider that receives any training or technical assistance deemed appropriate by the Director for the care of that child ; ~~at an enhanced rate that is based on the severity of the disability;~~ and

(2) Wrap-around services for children with disabilities.

~~3. The~~

(b) A requirement that the Program provide reimbursement for a portion of the cost of child care provided to the child of a parent who is:

~~(a)~~ (1) Enrolled in an educational or vocational program that awards a degree or certificate ~~at~~ at a postsecondary educational institution or eligible institution; and

~~(b)~~ (2) Otherwise eligible to participate in the Program.

2. On or before April of each even-numbered year, the Director shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Child Welfare and Juvenile Justice a report which must include:

(a) A description of the measures included in the state plan pursuant to paragraph (a) of subsection 1; and

(b) Data concerning the usage of reimbursements pursuant to paragraph (b) of subsection 1.

3. As used in this section:

(a) "Eligible institution" has the meaning ascribed to it in NRS 396.916.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

(c) "Wrap-around services" means supplemental services provided to a child with a disability or the family of such a child that are not otherwise covered by any federal or state program of assistance.

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:

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

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

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 239.

Bill read second time.

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

Amendment No. 509.

SUMMARY—Revises provisions ~~governing prescriptions for~~ **relating to** controlled substances. (BDR 54-703)

AN ACT relating to controlled substances; **revising requirements concerning the review and investigation of a complaint concerning certain violations relating to controlled substances; requiring certain professional licensing boards that regulate prescriptions for controlled substances or practitioners who issue such prescriptions to develop and disseminate an explanation or technical advisory bulletin concerning certain requirements relating to such prescriptions;** clarifying the independent authority of the State Board of Pharmacy to take disciplinary action; revising provisions concerning prescribing controlled substances for the treatment of pain; **requiring a system for the maintenance of electronic health records to have certain capabilities;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Executive Director of a professional licensing board that licenses practitioners who are authorized to prescribe controlled substances to conduct a review and evaluation of any complaint or information indicating that a practitioner has engaged in certain inappropriate activity with regard to a controlled substance listed in schedule II, III or IV. (NRS 630.323, 631.364, 632.352, 633.574, 635.152, 636.338) Sections 1-6 of this bill remove the requirement that such a review and an investigation include requiring the practitioner to attest that he or she has complied with certain requirements concerning the prescription of such controlled substances.

Existing law requires a practitioner, other than a veterinarian, to obtain a patient utilization report from the computerized prescription monitoring program before issuing an initial prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V and at least once every 90 days thereafter for the duration of the course of treatment using the controlled substance. (NRS 639.23507) Existing law additionally requires a practitioner, other than a veterinarian, to meet certain requirements, including performing an evaluation and risk assessment and obtaining informed written consent, before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain. (NRS 639.23911, 639.23914) Existing law defines the term “initial prescription” to mean a prescription originated for a new patient of a practitioner, other than a veterinarian, or a new prescription to begin a new course of treatment for an existing patient of a practitioner, other than a veterinarian. (NRS 639.0082) Existing regulations of the State Board of Pharmacy define the term “course of treatment” to mean all treatment of a patient for a particular disease or symptom of a disease. (LCB File No. R047-18, adopted on June 26, 2018) **Section ~~7~~ 7.3** of this bill codifies this definition into statute, and **section 8** of this bill makes a conforming change. **Section 9**

of this bill revises requirements concerning the use of a patient utilization report.

Section 7.6 of this bill provides that certain requirements concerning prescriptions of a controlled substance listed in schedule II, III or IV for the treatment of pain do not apply to prescriptions for the treatment of the pain of a patient who: (1) has been diagnosed with cancer or sickle cell disease or any of its variants; or (2) is receiving hospice or palliative care. Section 7.6 also authorizes a practitioner to obtain informed consent that meets certain guidelines in lieu of obtaining informed consent that meets the statutory requirements for informed consent before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of such a patient.

Existing law imposes certain limitations on an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain. (NRS 639.2391) Existing regulations of the Board define the term “acute pain” to mean pain that has an abrupt onset and is caused by an injury or another cause that is not ongoing. **(LCB File No. R047-18) Section 10** of this bill: (1) codifies that definition into law; and (2) authorizes a practitioner to prescribe an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain for a longer amount of time if the practitioner determines that it is medically necessary.

Existing law requires an evaluation and risk assessment to be performed before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain to include **: (1) a review of the medical history of the patient; (2) a physical examination; (3) obtaining informed written consent to the use of the controlled substance; and (4) a good faith effort to review the medical records of the patient.** (NRS 639.23912) **Section 11 of this bill limits the scope of the review of medical history and physical examination. Sections 10.5 and 11 of this bill additionally eliminate the requirement that informed consent must be in writing. Section 11 [of this bill] also limits the applicability of [this requirement] the requirement to make a good faith effort to review the medical records of the patient** to: (1) initial prescriptions that will be for more than 30 days; and (2) medical records that are relevant to the prescription.

Section 11.5 of this bill requires the State Board of Pharmacy to develop and disseminate to each professional licensing board that licenses a practitioner who is authorized to prescribe controlled substances or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those professional licensing boards of requirements concerning prescriptions for controlled substances listed in schedule II, III or IV and to update those explanations or bulletins as necessary. Sections 1-6 require each of those professional licensing boards to develop and disseminate or make available to each licensee who is authorized to prescribe controlled substances a similar explanation or

bulletin concerning those requirements and the procedures for imposing disciplinary action upon a licensee who violates those requirements.

Existing regulations of the Board provide that obtaining informed written consent to the use of a controlled substance listed in schedule II, III or IV for the treatment of pain includes viewing previously obtained informed written consent and discussing the provisions of the informed written consent with the person who provided it. (LCB File No. R047-18) ~~[Section 11 codifies that provision in statute.]~~ **Section 13** of this bill provides for the removal of **those** provisions of ~~the~~ **that** regulation ~~, [adopted by the Board that are codified into law by this bill.]~~

Existing law authorizes the State Board of Pharmacy to suspend or revoke a registration to dispense a controlled substance under certain circumstances. (NRS 453.236, 453.241) **Section 12** of this bill clarifies that such authority is not limited by the authority of any other regulatory body to take disciplinary action for the same conduct.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track prescriptions for controlled substances listed in schedule II, III, IV or V. To the extent that money is available, existing law requires that program to include the ability to integrate the records of patients in the database of the program with the electronic health records of practitioners. (NRS 453.162) If the program includes that ability, section 12.5 of this bill requires any person or entity that provides a system for the maintenance of electronic health records to a practitioner to ensure that the system includes the ability to integrate the records of patients in the database into the practitioner's electronic health records.

Existing law requires a practitioner to consider certain factors before prescribing a controlled substance listed in schedule II, III or IV. ~~(NRS 639.23915)~~ **Section 14** of this bill repeals that requirement, and **sections 1-6** of this bill remove references to that requirement.

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

Section 1. NRS 630.323 is hereby amended to read as follows:

630.323 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; and

~~(b) [A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, and 639.23911, and 639.23915, as applicable; and~~

~~(c)]~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~adopt~~ :

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those physicians and physician assistants of the requirements of this section and NRS 630.324, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 2. NRS 631.364 is hereby amended to read as follows:

631.364 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; **and**

(b) ~~A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, and 639.23911, and 639.23915, as applicable; and~~

~~(c)~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a

fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~adopt~~ :

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each dentist licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those dentists of the requirements of this section and NRS 631.365, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 3. NRS 632.352 is hereby amended to read as follows:

632.352 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; *and*

~~(b) A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, *and* 639.23911, and 639.23915, as applicable; and~~

~~(c)~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~adopt~~ *adopt*:

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each advanced practice registered nurse licensed pursuant to NRS 632.237 or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those advanced practice registered nurses of the requirements of this section and NRS 632.353, 639.23507 and 639.2391 to 639.23916, inclusive, and any

regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 4. NRS 633.574 is hereby amended to read as follows:

633.574 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; ***and***

~~(b) [A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, ***and*** 639.23911, and 639.23915, as applicable; ***and***~~

~~(c)]~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law

enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~adopt~~ **adopt** :

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each osteopathic physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those osteopathic physicians and physician assistants of the requirements of this section and NRS 633.577, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 5. NRS 635.152 is hereby amended to read as follows:

635.152 1. The President of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the President of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the President or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; *and*

~~(b) [A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, and 639.23911, and 639.23915, as applicable; and~~

~~(c)]~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the President or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the President of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~adopt~~ **adopt**:

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each podiatric physician licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those podiatric physicians of the requirements of this section and NRS 635.153, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an

explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 6. NRS 636.338 is hereby amended to read as follows:

636.338 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; *and*

~~(b) [A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, and 639.23911, and 639.23915, as applicable; and~~

~~(c)]~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~adopt~~ **adopt** :

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each optometrist who is certified to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288 or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those optometrists of the requirements of this section and NRS 636.339, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 7. Chapter 639 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 7.3 and 7.6 of this act.**

Sec. 7.3. “Course of treatment” means all treatment of a patient for a particular disease or symptom of a disease, including, without limitation, a new treatment initiated by any practitioner, other than a veterinarian, for a disease or symptom for which the patient was previously receiving treatment.

Sec. 7.6. 1. Except as otherwise provided in this section, the provisions of NRS 639.2391 to 639.23916, inclusive, do not apply to any prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of a patient who:

(a) Has been diagnosed with cancer or sickle cell disease or any of its variants; or

(b) Is receiving hospice care or palliative care.

2. Before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of a patient described in subsection 1, a practitioner must obtain informed consent to the use of the controlled substance that meets the requirements of subsection 2 of NRS 639.23912 or any applicable guidelines or standards for informed consent prescribed by:

(a) If the patient is receiving hospice or palliative care, the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

(b) If the patient has been diagnosed with cancer, the American Society of Clinical Oncology or its successor organization or, if that organization ceases to exist, a similar organization designated by regulation of the Board;
or

(c) If the patient has been diagnosed with sickle cell disease or any of its variants, the National Heart, Lung and Blood Institute or its successor organization or, if that organization ceases to exist, a similar organization designated by regulation of the Board.

Sec. 8. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, **and section ~~7.3~~ 7.3 of this act** have the meanings ascribed to them in those sections.

Sec. 9. NRS 639.23507 is hereby amended to read as follows:

639.23507 1. ~~[A]~~ Except as otherwise provided in subsection 2, a practitioner, other than a veterinarian, shall, before issuing an initial prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V and at least once every 90 days thereafter for the duration of the course of treatment using the controlled substance, obtain a patient utilization report regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162. The practitioner shall:

(a) Review the patient utilization report ; ~~to assess whether the prescription for the controlled substance is medically necessary;~~ and

(b) Determine whether the patient has been issued another prescription for the same controlled substance that provides for ongoing treatment using the controlled substance. If the practitioner determines from the patient utilization report or from any other source that the patient has been issued such a prescription, the practitioner shall not prescribe the controlled substance ~~+~~ unless the practitioner determines that issuing the prescription is medically necessary.

2. A practitioner, other than a veterinarian, may issue a prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V for the treatment of a patient who has been diagnosed with cancer or sickle cell disease or who is receiving hospice or palliative care without complying with the requirements of subsection 1 if the practitioner determines that obtaining a patient utilization report will unreasonably delay care of the patient. A practitioner who issues a prescription pursuant to this subsection must obtain a patient utilization report as described in subsection 1 as soon as practicable.

3. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

~~3.~~ 4. The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

Sec. 10. NRS 639.2391 is hereby amended to read as follows:

639.2391 1. If a practitioner, other than a veterinarian, prescribes or dispenses to a patient for the treatment of pain a quantity of controlled substance that exceeds the amount prescribed by this subsection, the practitioner must document in the medical record of the patient the reasons for prescribing that quantity. A practitioner shall document the information required by this subsection if the practitioner prescribes for or dispenses for the treatment of pain:

(a) In any period of 365 consecutive days, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 365 days if the patient adheres to the dose prescribed; or

(b) At any one time, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 90 days if the patient adheres to the dose prescribed.

2. ~~1A~~ ***Unless the practitioner determines that the prescription is medically necessary, a*** practitioner, other than a veterinarian, shall not issue an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that prescribes:

(a) An amount of the controlled substance that is intended to be used for more than 14 days; and

(b) If the controlled substance is an opioid and a prescription for an opioid has never been issued to the patient or the most recent prescription issued to the patient for an opioid was issued more than 19 days before the date of the initial prescription for the treatment of acute pain, a dose of the controlled substance that exceeds 90 morphine milligram equivalents per day. For the purposes of this paragraph, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

3. ***As used in this section, “acute pain” means pain that has an abrupt onset and is caused by injury or another cause that is not ongoing. The term***

does not include chronic pain or pain that is being treated as part of care for cancer, palliative care, hospice care or other end-of-life care.

Sec. 10.5. NRS 639.23911 is hereby amended to read as follows:

639.23911 1. Before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain, a practitioner, other than a veterinarian, must:

(a) Have established a bona fide relationship, as described in subsection 4 of NRS 639.235, with the patient;

(b) Perform an evaluation and risk assessment of the patient that meets the requirements of subsection 1 of NRS 639.23912;

(c) Establish a preliminary diagnosis of the patient and a treatment plan tailored toward treating the pain of the patient and the cause of that pain;

(d) Document in the medical record of the patient the reasons for prescribing the controlled substance instead of an alternative treatment that does not require the use of a controlled substance; and

(e) Obtain informed ~~written~~ consent to the use of the controlled substance that meets the requirements of subsection 2 of NRS 639.23912 from:

(1) The patient, if the patient is 18 years of age or older or legally emancipated and has the capacity to give such consent;

(2) The parent or guardian of a patient who is less than 18 years of age and not legally emancipated; or

(3) The legal guardian of a patient of any age who has been adjudicated mentally incapacitated.

2. If a practitioner, other than a veterinarian, prescribes a controlled substance listed in schedule II, III or IV for the treatment of pain, the practitioner shall not issue more than one additional prescription that increases the dose of the controlled substance unless the practitioner meets with the patient, in person or using telehealth, to reevaluate the treatment plan established pursuant to paragraph (c) of subsection 1.

Sec. 11. NRS 639.23912 is hereby amended to read as follows:

639.23912 1. An evaluation and risk assessment of a patient conducted pursuant to paragraph (b) of subsection 1 of NRS 639.23911 must include, without limitation:

(a) Obtaining and reviewing a **relevant** medical history of the patient.

(b) Conducting a physical examination of the patient ~~[-]~~ **directed to the source of the patient's pain and within the scope of practice of the practitioner.**

(c) ~~[-]~~ **Making** *If the prescription is for a quantity of a controlled substance listed in schedule II, III or IV that is intended to be used in not less than 30 days:*

(1) **Making** a good faith effort to obtain and review ~~[-]~~ **any** medical records of the patient from any other provider of health care who has provided care to the patient ~~[-]~~ **that are relevant to the prescription; and**

(2) **Documenting** efforts to obtain such medical records and the conclusions from reviewing any such medical records in the medical record of the patient.

(d) Assessing the mental health and risk of abuse, dependency and addiction of the patient using methods supported by peer-reviewed scientific research and validated by a nationally recognized organization.

2. The informed ~~written~~ consent obtained pursuant to paragraph (e) of subsection 1 of NRS 639.23911 must include ~~without limitation,~~ **where applicable**, information concerning:

(a) The potential risks and benefits of treatment using the controlled substance, including if a form of the controlled substance that is designed to deter abuse is available, the risks and benefits of using that form;

(b) Proper use of the controlled substance;

(c) Any alternative means of treating the symptoms of the patient and the cause of such symptoms;

(d) The important provisions of the treatment plan established for the patient pursuant to paragraph (c) of subsection 1 of NRS 639.23911 in a clear and simple manner;

(e) The risks of dependency, addiction and overdose during treatment using the controlled substance;

(f) Methods to safely store and legally dispose of the controlled substance;

(g) The manner in which the practitioner will address requests for refills of the prescription, including, without limitation, an explanation of the provisions of NRS 639.23913, if applicable;

(h) If the patient is a woman between 15 and 45 years of age, the risk to a fetus of chronic exposure to controlled substances during pregnancy, including, without limitation, the risks of fetal dependency on the controlled substance and neonatal abstinence syndrome;

(i) If the controlled substance is an opioid, the availability of an opioid antagonist, as defined in NRS 453C.040, without a prescription; and

(j) If the patient is an unemancipated minor, the risks that the minor will abuse or misuse the controlled substance or divert the controlled substance for use by another person and ways to detect such abuse, misuse or diversion.

3. ~~In addition to other methods of obtaining informed written consent, a practitioner shall be deemed to have obtained informed written consent that meets the requirements of paragraph (e) of subsection 1 of NRS 639.23911 if the practitioner:~~

~~(a) Views informed written consent to the use of the controlled substance that meets the requirements of subsection 2 previously given by the patient, parent of the patient or legal guardian of the patient, as applicable, and which is stored on a database maintained by the practitioner or a group of practitioners with which the practitioner is associated; and~~

~~(b) Immediately before prescribing the controlled substance;~~

~~(1) Discusses the provisions of the informed written consent described in paragraph (a) with the patient, parent of the patient or legal guardian of the patient, as applicable;~~

~~(2) Allows the patient, parent or guardian to ask questions about those provisions; and~~

~~(3) Answers any such questions.] A practitioner shall document a conversation in which a patient provided informed consent that meets the requirements of subsection 2 in the medical record of the patient. If a patient provides informed written consent, the practitioner must include the document on which the informed consent is recorded in the medical record of the patient.~~

Sec. 11.5. NRS 639.23916 is hereby amended to read as follows:

639.23916 1. The Board may adopt any regulations necessary or convenient to enforce the provisions of NRS 639.23507 and 639.2391 to 639.23916, inclusive. Such regulations may impose additional requirements concerning the prescription of a controlled substance listed in schedule II, III or IV by a practitioner, other than a veterinarian, for the treatment of pain.

2. The Board shall develop and disseminate to each professional licensing board that licenses a practitioner, other than a veterinarian, or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those professional licensing boards of the requirements of NRS 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

3. A practitioner who violates any provision of NRS 639.23507 and 639.2391 to 639.23916, inclusive, or any regulations adopted pursuant thereto is:

- (a) Not guilty of a misdemeanor; and
- (b) Subject to professional discipline.

Sec. 12. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

The authority of the Board to take disciplinary action to enforce the provisions of this chapter is not limited by the authority of any other regulatory body that may be authorized or required to take disciplinary action for the same conduct with respect to any license, registration, certificate or other professional designation issued and regulated by that regulatory body.

Sec. 12.5. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III, IV or V that is filled by a pharmacy that is registered

with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III, IV or V to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) Include, for each prescription of a controlled substance listed in schedule II, III, IV or V:

(1) The fewest number of days necessary to consume the quantity of the controlled substance dispensed to the patient if the patient consumes the maximum dose of the controlled substance authorized by the prescribing practitioner;

(2) Each state in which the patient to whom the controlled substance was prescribed has previously resided or filled a prescription for a controlled substance listed in schedule II, III, IV or V; and

(3) The code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the controlled substance was prescribed.

(f) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews

the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. If the Board includes in the program the ability to integrate the records of patients in the database of the program with the electronic health records of practitioners:

(a) The Board may adopt any regulations necessary to carry out the integration; and

(b) Any person or entity that provides a system for the maintenance of electronic health records to a practitioner must ensure that the system includes, as a function of the system, the ability to integrate the records of patients in the database of the program into the electronic health records of the practitioner.

3. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 to 453.1645, inclusive, if a good faith effort is made to comply with applicable laws and regulations.

~~3.~~ **4.** The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

5. As used in this section, "electronic health record" has the meaning ascribed to it in 42 U.S.C. § 17921.

Sec. 13. Sections 2, 3 and 4 of the regulation adopted by the State Board of Pharmacy, LCB File No. R047-18, are hereby declared to be void and unenforceable on ~~January 1, 2020,~~ **the effective date of this act.** In preparing supplements to the Nevada Administrative Code on or after ~~January 1, 2020,~~ **the effective date of this act,** the Legislative Counsel shall remove those sections of that regulation.

Sec. 14. NRS 639.23915 is hereby repealed.

Sec. 15. This act becomes effective ~~1.~~

~~1. Upon~~ **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.]~~

TEXT OF REPEALED SECTION

639.23915 Practitioner to consider certain factors before prescribing certain controlled substances. Before prescribing a controlled substance listed in schedule II, III or IV, a practitioner, other than a veterinarian, must consider the following factors, when applicable:

1. Whether there is reason to believe that the patient is not using the controlled substance as prescribed or is diverting the controlled substance for use by another person.

2. Whether the controlled substance has had the expected effect on the symptoms of the patient.

3. Whether there is reason to believe that the patient is using other drugs, including, without limitation, alcohol, controlled substances listed in schedule I or prescription drugs, that:

(a) May interact negatively with the controlled substance prescribed by the practitioner; or

(b) Have not been prescribed by a practitioner who is treating the patient.

4. The number of attempts by the patient to obtain an early refill of the prescription.

5. The number of times the patient has claimed that the controlled substance has been lost or stolen.

6. Information from the database of the program established pursuant to NRS 453.162 that is irregular or inconsistent or indicates that the patient is inappropriately using a controlled substance.

7. Whether previous blood or urine tests have indicated inappropriate use of controlled substances by the patient.

8. The necessity of verifying that controlled substances, other than those authorized under the treatment plan established pursuant to paragraph (c) of subsection 1 of NRS 639.23911, are not present in the body of the patient.

9. Whether the patient has demonstrated aberrant behavior or intoxication.

10. Whether the patient has increased his or her dose of the controlled substance without authorization from the practitioner.

11. Whether the patient has been reluctant to stop using the controlled substance or has requested or demanded a controlled substance that is likely to be abused or cause dependency or addiction.

12. Whether the patient has been reluctant to cooperate with any examination, analysis or test recommended by the practitioner.

13. Whether the patient has a history of substance abuse.

14. Any major change in the health of the patient, including, without limitation, pregnancy, or any diagnosis concerning the mental health of the patient that would affect the medical appropriateness of prescribing the controlled substance for the patient.

15. Any other evidence that the patient is chronically using opioids, misusing, abusing, illegally using or addicted to any drug or failing to comply with the instructions of the practitioner concerning the use of the controlled substance.

16. Any other factor that the practitioner determines is necessary to make an informed professional judgment concerning the medical appropriateness of the prescription.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time.

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

Amendment No. 416.

ASSEMBLYMEN NEAL; ~~AND~~ ASSEFA, DURAN, FLORES, GORELOW AND THOMPSON

SUMMARY—Revises provisions relating to sickle cell ~~anemia~~ **disease and its variants**. (BDR 40-20)

AN ACT relating to public health; requiring the Chief Medical Officer to establish and maintain a system for reporting certain information on sickle cell ~~anemia~~ **disease and its variants**; authorizing administrative penalties for failure to report certain information; revising requirements concerning screening infants for sickle cell ~~anemia~~ **disease and its variants** and sickle cell trait; **requiring Medicaid to cover certain supplements recommended by the Pharmacy and Therapeutics Committee**; requiring a health insurer to include coverage for certain prescription drugs and services for the treatment of sickle cell ~~anemia~~ **disease and its variants** in its policies; **authorizing a prescription of certain controlled substances for the treatment of acute pain caused by sickle cell disease and its variants for a longer period than otherwise allowed**; requiring a health maintenance organization or managed care organization to take certain actions with respect to certain insureds diagnosed with sickle cell ~~anemia~~ **disease its variants**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief Medical Officer to establish and maintain a system for the reporting of information on cancer and other neoplasms. (NRS 457.230) Existing law requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each reportable neoplasm. (NRS 457.250) **Section 6** of this bill requires the Chief Medical Officer to establish and maintain a similar system for the reporting of information on sickle cell ~~anemia~~ **disease and its variants**. **Sections 6 and 7** of this bill require hospitals, medical laboratories, certain other facilities and providers of health care to report certain information prescribed by the State Board of Health concerning each case of sickle cell ~~anemia~~ **disease and its variants** diagnosed or treated at the facility or by the provider, as applicable. **Section 8** of this bill requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each case of sickle cell ~~anemia~~ **disease and its variants** for abstraction by the Division

of Public and Behavioral Health of the Department of Health and Human Services. **Section 8** also: (1) requires the State Board to adopt a schedule of fees which must be assessed to a health care facility for each case from which information is abstracted; and (2) provides for the imposition of an administrative penalty against a health care facility that fails to make the records of the facility for each case of sickle cell ~~anemia~~ **disease and its variants** available for abstraction. **Sections 9 and 10** of this bill provide for analysis, reporting and research based on the reported and abstracted information concerning cases of sickle cell ~~anemia~~ **disease and its variants**. **Sections 7, 11 and 15** of this bill provide for the confidentiality of reported information concerning patients, providers of health care and facilities. **Section 12** of this bill provides immunity from liability for any person or organization who discloses information in good faith to the Division in accordance with the requirements of **sections 6-8**.

Existing law requires the State Board of Health to adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell anemia. (NRS 442.008) **Section 13** of this bill requires those regulations to include a requirement that each newborn child who is susceptible to sickle cell ~~anemia~~ **disease and its variants** and sickle cell trait to be tested and each biological parent of a child who tests positive for sickle cell ~~anemia~~ **disease and its variants** to be offered to be tested for sickle cell ~~anemia~~ **disease and its variants** and sickle cell trait. **Section 13** also: (1) requires the parent or guardian of a child who tests positive for sickle cell ~~anemia~~ **disease and its variants** or sickle cell trait to receive counseling concerning the nature, effects and treatment of sickle cell ~~anemia~~ **disease and its variants** or sickle cell trait, as applicable; and (2) authorizes the parent or guardian of a newborn child to opt out in writing from such testing.

Existing law authorizes the Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant. (NRS 422.008) Sections 13 and 13.5 of this bill instead require the Division to provide for such services when necessary to determine the presence of such disorders.

Existing law requires the Department to prescribe by regulation a list of preferred prescription drugs to be used for the Medicaid program. (NRS 422.4025) **Section ~~15~~ 18.8** of this bill requires ~~the State Board of Health to prescribe a~~ **that list ~~to~~ to include** prescription drugs **essential** for the treatment of sickle cell ~~anemia that must be covered by Medicaid and included in any insurance plan that includes coverage of prescription drugs offered or sold in this State.~~ **disease and its variants**. **Section 18.5 of this bill additionally requires the Department to prescribe by regulation a list of supplements that must be covered by Medicaid for recipients of Medicaid who have sickle cell disease and its variants.**

Sections ~~16-19~~ 16, 17, 18.2, 21, 22, 24-27 and 29 of this bill require Medicaid and ~~1:~~ (1) each insurer, including local and state government

employers, that provides coverage for prescription drugs to cover the drugs included on that list, and (2) all other health insurers to cover certain services for persons diagnosed with sickle cell ~~anemia~~ **disease and its variants**. Sections 26 and 29 of this bill additionally require a health maintenance organization or managed care organization to establish a plan for each insured under 18 years of age who has been diagnosed with sickle cell ~~anemia~~ **disease and its variants** to transition the insured from pediatric care to adult care when the enrollee reaches 18 years of age. Sections 14, 18.4, 18.6, 20, 23 and 28 of this bill make conforming changes.

Existing law prohibits a practitioner from prescribing an amount of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that is intended to be used for more than 14 days. (NRS 639.2391) Section 18.9 of this bill authorizes a practitioner to issue a prescription for an amount of such a controlled substance for the treatment of acute pain caused by sickle cell disease and its variants that is intended to be used for not more than 30 days.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, ~~and~~ 4 and 4.5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Health care facility” has the meaning ascribed to it in NRS 162A.740.*

Sec. 4. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 4.5. *“Sickle cell disease and its variants” means an inherited disease caused by a mutation in a gene for hemoglobin in which red blood cells have an abnormal crescent shape that causes them to block small blood cells and die sooner than normal red blood cells and may include sickle cell disease, one or more variants or a combination thereof, as applicable.*

Sec. 5. ~~§The State Board of Health shall:~~
~~1. Prescribe by regulation a list of prescription drugs for the treatment of sickle cell anemia that must be covered by Medicaid and included in any insurance plan that includes coverage of prescription drugs offered or sold in this State. The list must include, without limitation, any drug determined by the State Board of Health to be essential for treating sickle cell anemia.~~
~~2. Review the list of prescription drugs prescribed pursuant to subsection 1 at least biennially to determine whether any drugs should be added to or removed from the list and update the list as necessary in accordance with those determinations.~~ (Deleted by amendment.)

Sec. 6. 1. *The Chief Medical Officer shall, pursuant to the regulations adopted by the State Board of Health pursuant to section 7 of this act,*

establish and maintain a system for the reporting of information on sickle cell ~~anemia~~ disease and its variants.

2. The system established pursuant to subsection 1 must include a record of the cases of sickle cell ~~anemia~~ disease and its variants which occur in this State along with such information concerning the cases as may be appropriate to form the basis for:

(a) Conducting comprehensive epidemiologic surveys of sickle cell ~~anemia~~ disease and its variants in this State; and

(b) Evaluating the appropriateness of measures for the treatment of sickle cell ~~anemia~~ disease and its variants.

3. Hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to sickle cell ~~anemia~~ disease and its variants shall report the information prescribed by the State Board of Health pursuant to section 7 of this act to the system established pursuant to subsection 1.

4. Any provider of health care who diagnoses or provides treatment for sickle cell ~~anemia~~ disease and its variants, except for cases directly referred to the provider or cases that have been previously admitted to a hospital, medical laboratory or other facility described in subsection 3, shall report the information prescribed by the State Board of Health pursuant to section 7 of this act to the system established pursuant to subsection 1.

5. As used in this section, “medical laboratory” has the meaning ascribed to it in NRS 652.060.

Sec. 7. The State Board of Health shall by regulation:

1. Prescribe the form and manner in which information on cases of sickle cell ~~anemia~~ disease and its variants must be reported;

2. Prescribe the information that must be included in each report, which must include, without limitation:

(a) The name, ~~and~~ address, age and ethnicity of the patient;

(b) The variant of sickle cell disease with which the person has been diagnosed;

(c) The method of treatment ~~is~~
~~(e)~~, including, without limitation, any opioid prescribed for the patient and whether the patient has adequate access to that opioid;

(d) Any other diseases from which the patient suffers, including, without limitation, pneumonia, asthma and gall bladder disease; ~~and~~

~~(d)~~ (e) Information concerning the usage of and access to health care services by the patient; and

(f) If a patient diagnosed with sickle cell disease and its variants dies, his or her age at death; and

3. Establish a protocol for allowing appropriate access to and preserving the confidentiality of the records of patients needed for research into sickle cell ~~anemia~~ disease and its variants.

Sec. 8. 1. The chief administrative officer of each health care facility in this State shall make available to the Chief Medical Officer or his or her

representative the records of the health care facility for each case of sickle cell ~~anemia~~ disease and its variants.

2. The Division shall abstract from the records of a health care facility or shall require a health care facility to abstract from the records of the health care facility such information as is required by the State Board of Health. The Division shall compile the information in a timely manner and not later than 6 months after the Division abstracts the information or receives the abstracted information from the health care facility.

3. The State Board of Health shall by regulation adopt a schedule of fees which must be assessed to a health care facility for each case from which information is abstracted by the Division pursuant to subsection 2.

4. Any person who violates this section is subject to an administrative penalty established by regulation by the State Board of Health.

Sec. 9. 1. The Division shall publish reports based upon the information obtained pursuant to sections 6, 7 and 8 of this act and shall make other appropriate uses of the information to report and assess trends in the usage of and access to health care services by patients with sickle cell ~~anemia~~ disease and its variants in a particular area or population, advance research and education concerning sickle cell ~~anemia~~ disease and its variants and improve treatment of sickle cell ~~anemia~~ disease and its variants and associated disorders. The reports must include, without limitation:

(a) Information concerning the locations in which patients diagnosed with sickle cell ~~anemia~~ disease and its variants reside, the demographics of such patients and the utilization of health care services by such patients;

(b) The information described in paragraph (a), specific to patients diagnosed with sickle cell ~~anemia~~ disease and its variants who are over 60 years of age; and

(c) The transition of patients diagnosed with sickle cell ~~anemia~~ disease and its variants from pediatric to adult care upon reaching 18 years of age.

2. The Division shall provide any qualified researcher whom the Division determines is conducting valid scientific research with data from the reported information upon the researcher's:

(a) Compliance with appropriate conditions as established under the regulations of the State Board of Health; and

(b) Payment of a fee established by the Division by regulation to cover the cost of providing the data.

Sec. 10. 1. The Chief Medical Officer or a qualified person designated by the Administrator of the Division shall analyze the information obtained pursuant to sections 6, 7 and 8 of this act and the reports published pursuant to section 9 of this act to determine whether any trends exist in the usage of and access to health care services by patients with sickle cell ~~anemia~~ disease and its variants in a particular area or population.

2. If the Chief Medical Officer or the person designated pursuant to subsection 1 determines that a trend exists in the usage of and access to

health care services by patients with sickle cell ~~anemia~~ disease and its variants in a particular area or population, the Chief Medical Officer or the person designated pursuant to subsection 1 shall work with appropriate governmental, educational and research entities to investigate the trend, advance research in the trend and facilitate the treatment of sickle cell ~~anemia~~ disease and its variants and associated disorders.

Sec. 10.5. The Division shall apply for and accept any gifts, grants and donations available to:

- 1. Carry out the provisions of sections 2 to 12, inclusive, of this act;*
- 2. Coordinate and administer any other state programs relating to research concerning sickle cell disease and its variants or assistance to patients diagnosed with sickle cell disease and its variants;*
- 3. Pay for research concerning sickle cell disease and its variants;*
- 4. Provide education concerning sickle cell disease and its variants; and*
- 5. Provide support to persons diagnosed with sickle cell disease and its variants.*

Sec. 11. The Division shall not reveal the identity of any patient, physician or health care facility which is involved in the reporting required by section 8 of this act unless the patient, physician or health care facility gives prior written consent to such a disclosure.

Sec. 12. A person or governmental entity that provides information to the Division in accordance with sections 6, 7 and 8 of this act must not be held liable in a civil or criminal action for sharing confidential information unless the person or organization has done so in bad faith or with malicious purpose.

Sec. 13. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health, upon the recommendation of the Chief Medical Officer ~~;~~

~~(a) Shall adopt~~, shall:

(a) Adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell ~~anemia; and~~ disease and its variants sickle cell trait; and

(b) ~~May require~~ Require the Division to provide for the services of a laboratory in accordance with NRS 442.009 when necessary to determine the presence of certain preventable or inheritable disorders in an infant pursuant to this section.

2. Except as otherwise provided in subsection 5, the regulations adopted pursuant to paragraph (a) of subsection 1 concerning tests for the presence of sickle cell ~~anemia~~ disease and its variants and sickle cell trait must require the screening for sickle cell ~~anemia~~ disease and its variants and sickle cell trait of:

(a) Each newborn child who is susceptible to sickle cell ~~anemia~~ disease and its variants and sickle cell trait as determined by regulations of the State Board of Health; and

(b) Each biological parent of a child who wishes to undergo such screening.

3. Any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the mother of any infant, at childbirth shall make or cause to be made an examination of the infant, including standard tests, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such disorders.

~~3-1~~ 4. If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

~~4-1~~ 5. An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

6. As used in this section, "sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 13.5. NRS 442.009 is hereby amended to read as follows:

442.009 1. Except as otherwise provided in this section, ~~if the State Board of Health requires the Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008,~~ **the Division shall contract with a laboratory to provide the services of a laboratory when required pursuant to NRS 442.008** in the following order of priority:

- (a) The State Public Health Laboratory;
- (b) Any other qualified laboratory located within this State; or
- (c) Any qualified laboratory located outside of this State.

2. The Division shall not contract with a laboratory in a lower category of priority unless the Division determines that:

(a) A laboratory in a higher category of priority is not capable of performing all the tests required to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008; or

(b) The cost to the Division to contract with a laboratory in a higher category of priority is not financially reasonable or exceeds the amount of money available for that purpose.

3. For the purpose of determining the category of priority of a laboratory only, the Division is not required to comply with any requirement of competitive bidding or other restriction imposed on the procedure for awarding a contract.

Sec. 14. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ~~and section 18~~ sections 18.2, 18.4 and 18.5 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

- (1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;
- (2) Set forth priorities for the provision of those services;
- (3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;
- (4) Identify the sources of funding for services provided by the Department and the allocation of that funding;
- (5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

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

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

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

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 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 11 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. 16. NRS 287.010 is hereby amended to read as follows:

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

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

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

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident

of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, **and section 21 of this act** and 689B.287 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378 and 689B.03785 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, **and section 29 of this act** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 18. Chapter 422 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 18.2, 18.4 and 18.5 of this act.**

Sec. 18.2. 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

~~1.~~ (a) Case management services for a participant in Medicaid who has been diagnosed with sickle cell ~~anemia~~ disease and its variants.

~~2.~~ (b) Comprehensive care for a participant in Medicaid under 18 years of age who has been diagnosed with sickle cell ~~anemia~~ disease and its variants including, without limitation, visits to specialists for evaluation, counseling, treatment for mental illness and education as needed.

~~3.~~ (c) At least two visits per year to a comprehensive clinic for sickle cell ~~anemia~~ disease and its variants. Such coverage must include, without limitation, coverage for all services provided during such a visit.

~~4.~~ (d) Any services necessary to transition a recipient of Medicaid who is less than 18 years of age and has been diagnosed with sickle cell disease and its variants from pediatric care to adult care when the recipient reaches 18 years of age.

(e) Unlimited refills of each prescription drug for the treatment of sickle cell disease and its variants included on the list of preferred prescription drugs developed for the Medicaid program pursuant to NRS 422.4025.

(f) Each ~~prescription drug~~ supplement included in the list of ~~prescription drugs~~ supplements prescribed pursuant to section ~~5~~ 18.5 of this act, including, without limitation, unlimited ~~refills~~ amounts of each such ~~drug~~ supplement.

2. As used in this section:

(a) “Case management services” means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) “Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.

Sec. 18.4. “Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.

Sec. 18.5. 1. The Department, upon the recommendation of the Committee, shall prescribe by regulation a list of nonprescription supplements that must be covered by Medicaid for recipients who have sickle cell disease and its variants. The list must include, without limitation, any supplement determined by the Committee to be essential for treating sickle cell disease and its variants.

2. The Committee shall review the list of supplements prescribed pursuant to subsection 1 at least biennially to determine whether to recommend adding or removing any supplements from the list and report those recommendations to the Department.

Sec. 18.6. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, **and sections 18.4 and 18.5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 **and section 18.4 of this act** have the meanings ascribed to them in those sections.

Sec. 18.8. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall, by regulation, develop a list of preferred prescription drugs to be used for the Medicaid program.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Atypical and typical antipsychotic medications that are prescribed for the treatment of a mental illness of a patient who is receiving services pursuant to Medicaid;

(b) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;

(c) Anticonvulsant medications;

(d) Antirejection medications for organ transplants;

(e) Antidiabetic medications;

(f) Antihemophilic medications; and

(g) Any prescription drug which the Committee identifies as appropriate for exclusion from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Committee makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from

any restrictions that are imposed on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. **The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation, any prescription drug determined by the Committee to be essential for treating sickle cell disease and its variants.**

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Committee reviews the product or the evidence.

Sec. 18.9. NRS 639.2391 is hereby amended to read as follows:

639.2391 1. If a practitioner, other than a veterinarian, prescribes or dispenses to a patient for the treatment of pain a quantity of controlled substance that exceeds the amount prescribed by this subsection, the practitioner must document in the medical record of the patient the reasons for prescribing that quantity. A practitioner shall document the information required by this subsection if the practitioner prescribes for or dispenses for the treatment of pain:

(a) In any period of 365 consecutive days, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 365 days if the patient adheres to the dose prescribed; or

(b) At any one time, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 90 days if the patient adheres to the dose prescribed.

2. A practitioner, other than a veterinarian, shall not issue an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that prescribes:

(a) ~~Ann~~ **Except as otherwise provided in subsection 3, an** amount of the controlled substance that is intended to be used for more than 14 days; and

(b) If the controlled substance is an opioid and a prescription for an opioid has never been issued to the patient or the most recent prescription issued to the patient for an opioid was issued more than 19 days before the date of the initial prescription for the treatment of acute pain, a dose of the controlled substance that exceeds 90 morphine milligram equivalents per day. For the purposes of this paragraph, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

3. A practitioner, other than a veterinarian, may issue an initial prescription for a controlled substance listed in schedule II, III or IV for the

treatment of acute pain caused by sickle cell disease and its variants, as defined in section 4.5 of this act, in an amount that is intended to be used for not more than 30 days.

Sec. 19. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance shall include in the policy coverage for:

(a) Case management services for an insured diagnosed with sickle cell ~~anemia;~~ disease and its variants;

(b) ~~Comprehensive care~~ Care for an insured under 18 years of age who has been diagnosed with sickle cell ~~anemia including, without limitation, visits to specialists for evaluation, counseling and education as needed;~~ disease and its variants; and

(c) ~~At~~ Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell ~~anemia. Such coverage must include, without limitation, coverage for all services provided during such a visit.~~ disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.

2. An insurer that issues a policy of health insurance which provides coverage for prescription drugs shall include in the policy coverage for ~~each prescription drug included in the list of~~ medically necessary prescription drugs ~~prescribed pursuant to section 5 of this act, including, without limitation, unlimited refills of each such drug.~~ to treat sickle cell disease and its variants.

3. An insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) “Case management services” means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Medically necessary” has the meaning ascribed to it in NRS 695G.055.

(d) “Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.

Sec. 20. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~††~~, **and section 19 of this act.**

Sec. 21. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance shall include in the policy coverage for:

(a) Case management services for an insured who has been diagnosed with sickle cell ~~anemia,~~ disease and its variants;

(b) ~~Comprehensive care~~ Care for an insured under 18 years of age who has been diagnosed with sickle cell ~~anemia including, without limitation, visits to specialists for evaluation, counseling and education as needed,~~ disease and its variants; and

(c) ~~At~~ Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell ~~anemia~~ disease and its variants for an insured who has been diagnosed with sickle cell ~~anemia. Such coverage must include, without limitation, coverage for all services provided during such a visit.~~ disease and its variants.

2. An insurer that issues a policy of group health insurance which provides coverage for prescription drugs shall include in the policy coverage for ~~each prescription drug included in the list of~~ medically necessary prescription drugs ~~(prescribed pursuant to section 5 of this act, including, without limitation, unlimited refills of each such drug.)~~ to treat sickle cell disease and its variants.

3. An insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) “Case management services” means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Medically necessary” has the meaning ascribed to it in NRS 695G.055.

(d) “Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.

Sec. 22. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan shall include in the plan coverage for:

(a) Case management services for an insured who has been diagnosed with sickle cell ~~anemia,~~ disease and its variants;

(b) ~~Comprehensive care~~ Care for an insured under 18 years of age who has been diagnosed with sickle cell ~~anemia including, without limitation, visits to specialists for evaluation, counseling and education as needed,~~ disease and its variants; and

(c) ~~At~~ Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell ~~anemia,~~ disease and its variants for an insured who has been diagnosed with sickle cell ~~anemia.~~ Such coverage must include, without limitation, coverage for all services provided during such a visit. disease and its variants.

2. A carrier that issues a health benefit plan which provides coverage for prescription drugs shall include in the plan coverage for each prescription drug included in the list of medically necessary prescription drugs prescribed pursuant to section 5 of this act, including, without limitation, unlimited refills of each such drug, to treat sickle cell disease and its variants.

3. A carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) “Case management services” means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Medically necessary” has the meaning ascribed to it in NRS 695G.055.

(d) “Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.

Sec. 23. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the

provisions of NRS 689C.015 to 689C.355, inclusive, *and section 22 of this act*, to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 24. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract shall include in the benefit contract coverage for:

(a) Case management services for an insured who has been diagnosed with sickle cell ~~[anemia,]~~ disease and its variants;

(b) ~~[Comprehensive care]~~ Care for an insured under 18 years of age who has been diagnosed with sickle cell ~~[anemia including, without limitation, visits to specialists for evaluation, counseling and education as needed,]~~ disease and its variants; and

(c) ~~[A]~~ Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell ~~[anemia]~~ disease and its variants for an insured who has been diagnosed with sickle cell ~~[anemia. Such coverage must include, without limitation, coverage for all services provided during such a visit.]~~ disease and its variants.

2. A society that issues a benefit contract which provides coverage for prescription drugs shall include in the benefit contract coverage for ~~[each prescription drug included in the list of]~~ medically necessary prescription drugs ~~[prescribed pursuant to section 5 of this act, including, without limitation, unlimited refills of each such drug.]~~ to treat sickle cell disease and its variants.

3. A society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

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

(d) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 25. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for:*

(a) *Case management services for an insured who has been diagnosed with sickle cell ~~anemia,~~ disease and its variants.*

(b) ~~*Comprehensive care*~~ *Care for an insured under 18 years of age who has been diagnosed with sickle cell ~~anemia including, without limitation, visits to specialists for evaluation, counseling and education as needed,~~ disease and its variants; and*

(c) ~~*At*~~ *Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell ~~anemia~~ disease and its variants for an insured who has been diagnosed with sickle cell ~~anemia.~~ Such coverage must include, without limitation, coverage for all services provided during such a visit.* *disease and its variants.*

2. *A hospital or medical service corporation that issues a policy of health insurance which provides coverage for prescription drugs shall include in the policy coverage for ~~each prescription drug included in the list of~~ medically necessary prescription drugs ~~prescribed pursuant to section 5 of this act, including, without limitation, unlimited refills of each such drug,~~ to treat sickle cell disease and its variants.*

3. *A hospital or medical service corporation may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.*

4. *As used in this section:*

(a) *“Case management services” means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.*

(b) *“Medical management technique” means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.*

(c) *“Medically necessary” has the meaning ascribed to it in NRS 695G.055.*

(d) *“Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.*

Sec. 26. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health maintenance organization that issues a health care plan shall include in the plan coverage for:*

(a) Case management services for an enrollee who has been diagnosed with sickle cell ~~anemia,~~ disease and its variants;

(b) ~~Comprehensive care~~ Care for an enrollee under 18 years of age who has been diagnosed with sickle cell ~~anemia including, without limitation, visits to specialists for evaluation, counseling and education as needed,~~ disease and its variants; and

(c) ~~At~~ Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell ~~anemia~~ disease and its variants for an enrollee who has been diagnosed with sickle cell ~~anemia.~~ Such coverage must include, without limitation, coverage for all services provided during such a visit. disease and its variants.

2. A health maintenance organization that issues a health care plan which provides coverage for prescription drugs shall include in the plan coverage for ~~each prescription drug included in the list of~~ medically necessary prescription drugs ~~prescribed pursuant to section 5 of this act, including, without limitation, unlimited refills of each such drug,~~ to treat sickle cell disease and its variants.

3. A health maintenance organization shall establish a plan for each enrollee under 18 years of age who has been diagnosed with sickle cell ~~anemia~~ disease and its variants to transition the enrollee from pediatric care to adult care when the enrollee reaches 18 years of age.

4. A health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

5. As used in this section:

(a) “Case management services” means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Medically necessary” has the meaning ascribed to it in NRS 695G.055.

(d) “Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.

Sec. 27. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated

pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1708, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 **and section 26 of this act** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 28. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, **and section 26 of this act** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 29. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan shall include in the plan coverage for:

(a) Case management services for an insured diagnosed with sickle cell ~~anemia;~~ disease and its variants;

(b) ~~Comprehensive care~~ Care for an insured under 18 years of age who has been diagnosed with sickle cell ~~anemia including, without limitation, visits to specialists for evaluation, counseling and education as needed,~~ disease and its variants; and

(c) ~~At~~ Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell ~~anemia. Such coverage must include, without limitation, coverage for all services provided during such a visit,~~ disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.

2. A managed care organization that issues a health care plan which provides coverage for prescription drugs shall include in the plan coverage for ~~each prescription drug included in the list of~~ medically necessary prescription drugs ~~prescribed pursuant to section 5 of this act, including, without limitation, unlimited refills of each such drug,~~ to treat sickle cell disease and its variants.

3. A managed care organization shall establish a plan for each insured under 18 years of age who has been diagnosed with sickle cell ~~anemia~~ disease and its variants to transition the insured from pediatric care to adult care when the insured reaches 18 years of age.

4. A managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

5. As used in this section:

(a) “Case management services” means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) “Medical management technique” means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) “Sickle cell disease and its variants” has the meaning ascribed to it in section 4.5 of this act.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. 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.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 264.

Bill read second time.

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

Amendment No. 364.

ASSEMBLYMEN PETERS, FLORES; ASSEFA, BILBRAY-AXELROD, CARRILLO, DURAN, FUMO ~~(AND)~~ , GORELOW, HAFEN, HARDY, LEAVITT, MARTINEZ, MCCURDY, MUNK, NEAL AND SMITH

JOINT SPONSOR: SENATOR SCHEIBLE

AN ACT relating to governmental administration; requiring ~~to a state agency~~ **the Nevada Indian Commission** to implement a policy that promotes collaboration between ~~the~~ a state agency and Indian ~~nations or~~ tribes; requiring the Governor to meet with the leaders of Indian ~~nations or~~ tribes; requiring certain employees of state agencies to receive certain training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

New Mexico enacted the State-Tribal Collaboration Act in 2009. The Act promotes increased cooperation and collaboration between the state of New Mexico and the Indian nations or tribes of that state. (N.M. Stat. Ann. § 11-18-1) This bill models the provisions of the State-Tribal Collaboration Act of New Mexico. **Section 6** of this bill requires ~~each state agency in Nevada~~ **the Nevada Indian Commission** to implement a policy that promotes collaboration and positive government-to-government relations between ~~the~~ state ~~agency~~ **agencies** and Indian ~~nations or~~ tribes. In developing such a policy, **section 6** requires ~~to a state agency~~ **the Commission** to consult with a representative of an Indian ~~nation or~~ tribe. **Section 6** also requires each state agency to collaborate with Indian ~~nations or~~ tribes in the development and implementation of policies, agreements and programs that affect ~~American Indians or Alaska Natives~~ **Indian tribes**. **Section 6** further requires ~~each~~ **certain** state ~~agency~~ **agencies** to designate a tribal liaison. **Section 6 also requires the head of a state agency and the tribal liaison to collaborate with an Indian tribe to resolve an issue the Indian tribe has identified with a policy, agreement or program of the state agency in accordance with the policy implemented by the Commission. If the state agency and the Indian tribe are unable to resolve the issue, the head of the state agency must notify the Governor who must then attempt to resolve the issue.** Finally, **section 6** requires the ~~Nevada Indian~~ Commission to post on its Internet website a list of the names and contact information for the leaders of the Indian ~~nations or~~ tribes and the tribal liaison of each state agency. **Section 7** of this bill requires the Governor to meet with the Indian ~~nations or~~ tribes at least once a year. **Section 7** also requires certain employees of state agencies to

complete certain training. **Section 7** requires each state agency to submit a report to the Nevada Indian Commission, which then must compile the reports and submit them to the Governor and the Director of the Legislative Counsel Bureau. **Section 7 also requires the Commission to submit a report to the Governor and the Director of the Legislative Counsel Bureau on its activities and recommendations.** **Section 8** of this bill establishes that a private right of action does not exist under this bill.

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

Section 1. Chapter 233A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~3, 4~~ 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~“American Indian or Alaska Native” means any natural person who is a member of any federally recognized Indian nation or tribe.~~
(Deleted by amendment.)

Sec. 4. ~~“Indian nation or tribe” means any a federally recognized American Indian nation or tribe located wholly or partially in this State.~~
pursuant to 25 C.F.R. §§ 83.1 to 83.12, inclusive.

Sec. 5. *“State agency” means an agency, bureau, board, commission, department or division of the Executive Department of State Government.*

Sec. 6. 1. ~~Each state agency~~ **The Commission shall develop and implement a policy that:**

(a) *Promotes effective communication and collaboration between ~~the~~ a state agency and Indian nations or tribes;*

(b) *Promotes positive government-to-government relations between this State and Indian nations or tribes;*

(c) *Promotes cultural competency in providing effective services to ~~American Indians or Alaska Natives,~~ Indian tribes; and*

(d) *Establishes a method for notifying employees of ~~the~~ a state agency of the provisions of sections 2 to 8, inclusive, of this act, and the policy that ~~the state agency adopts,~~ the Commission develops pursuant to this section.*

2. *In the process of developing the policy pursuant to subsection 1, ~~the state agency,~~ the Commission shall consult with a representative ~~designated by~~ of an Indian nation or tribe.*

3. *A state agency shall make a reasonable effort to collaborate with Indian nations or tribes in the development and implementation of policies, agreements and programs of the state agency that directly affect ~~American Indians or Alaska Natives,~~ Indian tribes.*

4. *Each state agency that communicates with Indian tribes on a regular basis shall designate a tribal liaison who reports directly to the office of the head of the agency. The tribal liaison shall:*

- (a) Assist the head of the state agency with ~~developing and~~ ensuring the implementation of the policy ~~adopted~~ developed pursuant to subsection 1;
- (b) Serve as a contact person who shall maintain ongoing communication between the state agency and affected Indian ~~nations or~~ tribes; and
- (c) Ensure that training is provided to the staff of the state agency pursuant to subsection 2 of section 7 of this act.

↳ Nothing in this subsection precludes a tribal liaison from providing or facilitating additional training.

5. If a representative of an Indian tribe, on tribal business, contacts a state agency to resolve an issue with a policy, agreement or program of the state agency that affects that Indian tribe, the tribal liaison of the state agency shall notify the head of the state agency of the issue. The head of the state agency, or his or her designee, and the tribal liaison must follow the policy developed pursuant to subsection 1 to attempt to resolve the issue in collaboration with the Indian tribe. If the state agency and the Indian tribe are unable to resolve the issue, the head of the state agency shall notify the Governor of the issue. After such notification, the Governor shall initiate contact with the Indian tribe to resolve the issue in collaboration with the state agency and the Indian tribe.

6. The Commission shall publish on its Internet website an accurate list of the names and contact information for the leaders of the Indian ~~nations or~~ tribes and for the tribal liaison of each state agency ~~that communicates with Indian tribes on a regular basis.~~

Sec. 7. 1. At least once each year, the Governor shall meet with the leaders of Indian ~~nations or~~ tribes in a state-tribal summit to address matters of mutual concern.

2. All heads of a state agency and state agency managers and employees who have ongoing communication with Indian ~~nations or~~ tribes shall complete a training provided by the Division of Human Resource Management of the Department of Administration, in consultation with the Commission. Such training must be designed to support:

- (a) The promotion of effective communication and collaboration between state agencies and Indian ~~nations or~~ tribes;
- (b) The development of positive government-to-government relations between this State and Indian ~~nations or~~ tribes; and
- (c) Cultural competency in providing effective services to ~~American Indians or Alaska Natives.~~ Indian tribes.

3. On or before July 1 of each year, each state agency that communicates with Indian tribes on a regular basis shall submit a report to the Commission on the activities of the state agency pursuant to sections 2 to 8, inclusive, of this act. The report must include:

- (a) ~~The policy implemented by the state agency pursuant to section 6 of this act;~~
- ~~(b)~~ The name and contact information of each person in the state agency who is responsible for developing and implementing programs of the state

agency that directly affect ~~{American Indians or Alaska Natives,}~~ Indian tribes;

~~{(c)}~~ (b) Any actions taken or planned by the state agency to carry out the policy implemented pursuant to section 6 of this act;

~~{(d)}~~ (c) A certification by the Division of Human Resource Management of the Department of Administration of the number of managers and employees of the state agency who have completed the training required pursuant to subsection 2;

~~{(e)}~~ (d) A description of current and planned programs and services provided to or directly affecting ~~{American Indians or Alaska Natives}~~ Indian tribes and the amount of funding for each program; and

~~{(f)}~~ (e) A description of the method the state agency established for notifying employees of the state agency of the provisions of sections 2 to 8, inclusive, of this act.

4. The Commission shall ~~{compile the reports submitted pursuant to subsection 3 and}~~ periodically submit {such reports} to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission ~~{,}~~ ;

(a) A compilation of the reports submitted pursuant to subsection 3; and

(b) A report on the activities and any findings and recommendations of the Commission.

Sec. 8. The provisions of sections 2 to 8, inclusive, of this act do not establish a private right of action against a state agency or a right of review of an action of a state agency.

Sec. 9. Notwithstanding the provisions of section 7 of this act, the initial report submitted by each state agency pursuant to subsection 3 of section 7 of this act must be submitted on or before July 1, 2020.

Sec. 10. 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. 11. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 275.

Bill read second time.

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

Amendment No. 618.

ASSEMBLYMEN TORRES, WATTS, ASSEFA, FLORES; CARRILLO, DURAN, FUMO, JAUREGUI, MARTINEZ, MCCURDY, MONROE- MORENO, ~~{, AND}~~ NEAL AND SPIEGEL

JOINT SPONSORS: SENATORS DENIS PARKS, CANCELA; AND D. HARRIS

AN ACT relating to licensing; ~~authorizing any person who is a citizen of the United States or otherwise authorized to work in the United States pursuant to a federal law, regulation, or program or policy of a federal agency or department to apply for a professional or occupational license;~~ **prohibiting a regulatory body from denying licensure of an applicant based on his or her immigration or citizenship status;** authorizing an applicant for a professional or occupational license who does not have a social security number to provide an individual taxpayer identification number; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person to apply for various professional and occupational licenses if such person meets the requirements established in statute and by the regulatory body which grants the license. ~~{(Titles) (Title 54 [and 57] of NRS; Chapters [1, 7, 90, 116A,] 119A, 240, [240A, 244,] 289, 361, 379, [394, 433, 435,] 437, [445B,] 449 [,] and 450B [, 453A, 455C, 457, 458, 463, 466, 467, 477, 482, 483, 487, 489, 490, 502-505, 534, 544, 555, 557, 576, 581, 582, 584, 587, 599A, 599B, 604A, 618, 671, 675 and 706] of NRS; NRS 391.060) [, 458.0255, 458.0256]}~~ Under existing law, some licenses specifically require an applicant to be a citizen of the United States or otherwise authorized to work in the United States. (Chapters ~~[604A,] 622, 623A, 625, 631, 635, 636, 637, 641, 641A, 641B, 641C, 644A, 649, 656 [, 671, 675]~~ of NRS; NRS **391.060**, 437.205, ~~[458.0225, 458.0256,] 437.215, 437.220~~, 630.160, 630.1606, 630.1607, 630.2751, 630.2752, 630A.230, 632.161, 632.162, 632.281, 632.282, 633.311, 633.4335, 633.4336, 634.080, 637B.203, 637B.204, 638.100, 638.116, 638.122, 639.136, 639.1365, 639.2315, 639.2316, 640.145, 640.146, 640A.165, 640A.166, 648.1493) [, 697.173]} **Sections [1, 18, 28, 29, 47 and 48] 4-12, 19-31, 34-65, 67-73, 75-99, 101-110, 112, 115, 123 and 126-128** of this bill ~~authorize a person to apply for such a license if the person is a United States citizen or is otherwise authorized to work in the United States under a federal law, regulation or policy or program of a federal agency or department.~~ **remove this requirement.**

Under existing federal immigration law, an unlawful alien may request various forms of relief from removal from the United States. (Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq.) The Secretary of Homeland Security may exercise prosecutorial discretion in granting certain forms of relief, such as deferred action for removal. (6 U.S.C. § 202(5); *Regents of the Univ. of Cal. v. Dep't. of Homeland Sec.*, 908 F.3d 476, 486-490 (9th Cir. 2018)) Existing federal laws and programs allow certain unlawful aliens to receive work authorization through a policy or program of deferred action for removal. (*Regents of the Univ. of Cal. v. Dep't. of Homeland Sec.*, 908 F.3d 476, 490 (9th Cir. 2018))

Existing federal law requires a regulatory body that issues a professional or occupational license to collect the social security number of an applicant. (42 U.S.C. § 666(a)(13)) Existing federal law also allows a state to grant a

professional or occupational license to an ~~unlawful~~ alien **who is not lawfully present in the United States** through enactment of state law. (8 U.S.C. § 1621(d))

~~Sections [1, 6, 8, 13, 15, 17, 20, 22, 24, 26, 27, 30, 33, 39, 40, 42, 43, 46, 49, 52, 54, 55, 59, 61, 63, 65, 67, 69, 71, 75, 81, 85, 88 and 90-100]~~ **2, 3, 113, 114, 116-118, 120-122, 125, 129, 132 and 138** of this bill ~~authorize a person to apply for a professional or occupational license if the person is a United States citizen or is otherwise authorized to work in the United States under a federal law, regulation or policy or program of a federal agency or department~~ **prohibit a regulatory body from denying an application for a license, certificate or permit based solely on the applicant's immigration or citizenship status** and authorize an applicant to provide his or her individual taxpayer identification number on his or her application if the applicant does not have a social security number ~~f~~

~~Existing law requires certain governmental entities and departments to submit to certain divisions a person's social security number in certain circumstances. (NRS 425.395, 504.393, 505.025) Sections 23, 66 and 68 of this bill allow certain governmental entity and departments to submit a person's individual taxpayer identification number if the person does not have a social security number.]~~ **which must only be used for certain purposes.**

~~Sections [7, 14, 19, 21, 25, 31, 32, 34, 38, 41, 44, 45, 53, 56, 58, 62, 70, 72, 74, 76, 80, 82, 84, 89 and 101-111]~~ **13-18, 32, 33, 66, 74, 100, 111, 119, 124, 130, 131 and 133-137** of this bill make conforming changes.

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

Delete existing sections 1 through 112 of this bill and replace with the following new sections 1 through 139:

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. The Legislature hereby finds and declares that:

1. It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

2. It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

Sec. 3. 1. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430,

640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233, 652.075, 654.145, 655.075 and 656.155, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

3. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 4. NRS 622.530 is hereby amended to read as follows:

622.530 1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

~~(a) Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(b) Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;~~

~~(c) (b) Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;~~

~~[(c)]~~ (c) Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

~~[(d)]~~ (d) Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

~~[(e)]~~ (e) Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

~~[(f)]~~ (f) Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

~~[(g)]~~ (g) Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

~~[(h)]~~ (h) Submits to the regulatory body the statement required by NRS 425.520.

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by

endorsement to engage in the occupation or profession to the applicant not later than:

- (a) Sixty days after receiving the application;
 - (b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or
 - (c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,
- ↪ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

- (a) An applicant willfully fails to comply with the provisions of paragraph ~~[(b)]~~ (g) of subsection 2; or
- (b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 5. NRS 623A.170 is hereby amended to read as follows:

623A.170 1. Any person who:

- (a) Is at least 21 years of age;
 - (b) Is of good moral character; **and**
 - (c) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~
 - ~~(d)~~ Has satisfied the requirements for education and experience in landscape architecture, in any combination deemed suitable by the Board,
- ↪ may submit an application for a certificate of registration to the Board upon a form and in a manner prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board pursuant to the provisions of NRS 623A.240 and all information required to complete the application.

2. Each year of study, not exceeding 5 years of study, satisfactorily completed in a program of landscape architecture accredited by the Landscape

Architectural Accrediting Board or a similar national board approved by the Board, or a program of landscape architecture in this State approved by the Board, is considered equivalent to 1 year of experience in landscape architectural work for the purpose of registration as a landscape architect.

3. The Board shall, by regulation, establish standards for examinations which may be consistent with standards employed by other states. The Board may adopt the standards of a national association of registered boards approved by the Board, and the examination and grading procedure of that organization, as they exist on the date of adoption. Examinations may include tests in such technical, professional and ethical subjects as are prescribed by the Board.

4. If the Board administers or causes to be administered an examination during:

(a) June of any year, an application to take that examination must be postmarked not later than March 1 of that year; or

(b) December of any year, an application to take that examination must be postmarked not later than September 1 of that year.

Sec. 6. NRS 623A.182 is hereby amended to read as follows:

623A.182 1. Any person who:

(a) Is at least 21 years of age;

(b) Is of good moral character; *and*

~~(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(d) Has graduated from a school approved by the Board or has completed at least 4 years of work experience in the practice of landscape architecture in accordance with regulations adopted by the Board,~~

↪ may submit an application to the Board for a certificate to practice as a landscape architect intern.

2. The application must be submitted on a form furnished by the Board and include:

(a) The applicable fees prescribed by the Board pursuant to the provisions of NRS 623A.240; and

(b) All information required to complete the application.

Sec. 7. NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who ~~is~~

~~(a) Is~~ *is* 21 years of age or older; ~~and~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

↪ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,
 ↪ pursuant to NRS 625.193.

3. Except as otherwise provided in NRS 625.203, an applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of NRS 625.193 may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 8. NRS 625.270 is hereby amended to read as follows:

625.270 1. A person who ~~is~~

~~(a) Is~~ is 21 years of age or older ~~;~~ and

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~↪~~ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of land surveying or receive a waiver of that requirement; and

(2) Principles and practices of land surveying,
↪ pursuant to NRS 625.280.

3. Except as otherwise provided in NRS 625.285, an applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying, unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land-surveying work.

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection 3:

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 9. NRS 625.390 is hereby amended to read as follows:

625.390 1. An applicant for licensure as a professional engineer or professional land surveyor or for certification as an engineer intern or land surveyor intern must:

- (a) Complete a form furnished and prescribed by the Board;
- (b) Answer all questions on the form under oath;
- (c) Provide a detailed summary of his or her technical training and education;
- (d) Pay the fee established by the Board; and
- (e) Submit all information required to complete an application for licensure or certification.

2. Unless the requirement is waived by the Board, an applicant for licensure must provide the names of not less than four references who have knowledge of the background, character and technical competence of the applicant. None of the persons named as references may be members of the Board. If the applicant is:

(a) Applying for licensure as a professional engineer, the persons named as references must be professional engineers licensed in this State or any other state, three of whom must be licensed in the same discipline of engineering for which the applicant is applying for licensure.

(b) Applying for licensure as a professional land surveyor, the persons named as references must be professional land surveyors licensed in this State or any other state.

3. The Board shall, by regulation, establish the fee for licensure as a professional engineer and professional land surveyor in an amount not to exceed \$200. The fee is nonrefundable and must accompany the application.

4. The Board shall charge and collect from each applicant for certification as an engineer intern or land surveyor intern a fee fixed by the Board of not more than \$100, which includes the cost of examination and the issuance of a certificate.

5. A nonresident applying for licensure as a professional engineer or professional land surveyor is subject to the same fees as a resident.

6. ~~[An applicant must furnish proof that he or she is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~7.]~~ The Board shall require the biennial renewal of each license of a professional engineer or professional land surveyor and collect a fee for renewal of not more than \$100, prescribed by regulation of the Board, except that the Board may prescribe shorter periods and prorated fees in setting up a system of staggered renewals.

~~8.]~~ 7. An applicant for the renewal of a license must submit with the fee for renewal all information required to complete the renewal.

~~9.]~~ 8. In addition to the fee for renewal, the Board shall require a holder of an expired license to pay, as a condition of renewal, a penalty in an amount established by regulation of the Board.

Sec. 10. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.1606, 630.1607, 630.161 and 630.258 to 630.2665, inclusive, a license may be issued to any person who:

(a) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(b)]~~ Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

~~(c)]~~ (b) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

~~[(c)]~~ (c) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family medicine and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

~~[(c)]~~ (d) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph ~~[(b)]~~ (a).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the

information provided by the applicant or otherwise received by the Board, the Board may:

- (a) Temporarily suspend the license;
- (b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;
- (c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;
- (d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or
- (e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:
 - (1) Placing the licensee on probation for a specified period with specified conditions;
 - (2) Administering a public reprimand;
 - (3) Limiting the practice of the licensee;
 - (4) Suspending the license for a specified period or until further order of the Board;
 - (5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;
 - (6) Requiring supervision of the practice of the licensee;
 - (7) Imposing an administrative fine not to exceed \$5,000;
 - (8) Requiring the licensee to perform community service without compensation;
 - (9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;
 - (10) Requiring the licensee to complete any training or educational requirements specified by the Board; and
 - (11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 11. NRS 630.1606 is hereby amended to read as follows:

630.1606 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice medicine; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 630.1607 is hereby amended to read as follows:

630.1607 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.

Sec. 13. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant completed training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph ~~((c))~~ (c) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 14. NRS 630.259 is hereby amended to read as follows:

630.259 1. A person may apply to the Board to be licensed as an administrative physician if the person meets all of the statutory requirements for licensure in effect at the time of application except the requirements of paragraph ~~((c))~~ (c) of subsection 2 of NRS 630.160.

2. A person who is licensed as an administrative physician pursuant to this section:

- (a) May not engage in the practice of clinical medicine;
- (b) Shall comply with all of the statutory requirements for continued licensure pursuant to this chapter; and
- (c) Shall be deemed to hold a license to practice medicine in an administrative capacity only.

Sec. 15. NRS 630.2615 is hereby amended to read as follows:

630.2615 1. Except as otherwise provided in NRS 630.161, the Board may issue an authorized facility license to a person who intends to practice medicine in this State as a physician in an institution of the Department of Corrections under the direct supervision of a physician who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his or her qualifications to practice medicine pursuant to paragraph ~~((c))~~ (b) of subsection 2 of NRS 630.160, but the person must meet all other conditions and requirements for an unrestricted license to practice medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice medicine in this State only as a physician in an institution of the Department of Corrections and only under the direct supervision of a physician who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice medicine in this State as a physician in an institution of the Department of Corrections:

- (a) The Department shall notify the Board; and
- (b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

Sec. 16. NRS 630.262 is hereby amended to read as follows:

630.262 1. Except as otherwise provided in NRS 630.161, the Board may issue an authorized facility license to a person who intends to practice medicine in this State as a psychiatrist in a mental health center of the Division under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his or her qualifications to practice medicine pursuant to paragraph ~~((e))~~ (b) of subsection 2 of NRS 630.160, but the person must meet all other conditions and requirements for an unrestricted license to practice medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice medicine in this State only as a psychiatrist in a mental health center of the Division and only under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice medicine in this State as a psychiatrist in a mental health center of the Division:

(a) The Division shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

7. As used in this section:

(a) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) "Mental health center" has the meaning ascribed to it in NRS 433.144.

Sec. 17. NRS 630.263 is hereby amended to read as follows:

630.263 1. If the Governor determines that there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty within this State, the Governor may declare that a state of critical medical need exists for that medical specialty. The Governor may, but is not required to, limit such a declaration to one or more geographic areas within this State.

2. In determining whether there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty, the Governor may consider, without limitation:

(a) Any statistical data analyzing the number of physicians who are practicing the medical specialty in relation to the total population of this State or any geographic area within this State;

(b) The demand within this State or any geographic area within this State for the types of services provided by the medical specialty; and

(c) Any other factors relating to the medical specialty that may adversely affect the delivery of health care within this State or any geographic area within this State.

3. If the Governor makes a declaration pursuant to this section, the Board may waive the requirements of paragraph ~~((d))~~ (c) of subsection 2 of NRS 630.160 for an applicant if the applicant:

(a) Intends to practice medicine in one or more of the medical specialties designated by the Governor in the declaration and, if the Governor has limited the declaration to one or more geographic areas within this State, in one or more of those geographic areas;

(b) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations, respectively;

(c) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(d) Meets all other conditions and requirements for a license to practice medicine.

4. Any license issued pursuant to this section is a restricted license, and the person who holds the restricted license may practice medicine in this State only in the medical specialties and geographic areas for which the restricted license is issued.

5. Any person who holds a restricted license issued pursuant to this section and who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph ~~((d))~~ (c) of subsection 2 of NRS 630.160.

Sec. 18. NRS 630.264 is hereby amended to read as follows:

630.264 1. A board of county commissioners may petition the Board of Medical Examiners to waive the requirements of paragraph ~~((d))~~ (c) of subsection 2 of NRS 630.160 for any applicant intending to practice medicine in a medically underserved area of that county as that term is defined by

regulation by the Board of Medical Examiners. The Board of Medical Examiners may waive that requirement and issue a license if the applicant:

(a) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations, respectively;

(b) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(c) Meets all other conditions and requirements for a license to practice medicine.

2. Any person licensed pursuant to subsection 1 must be issued a license to practice medicine in this State restricted to practice in the medically underserved area of the county which petitioned for the waiver only. A person may apply to the Board of Medical Examiners for renewal of that restricted license every 2 years after being licensed.

3. Any person holding a restricted license pursuant to subsection 1 who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph ~~(d)~~ (c) of subsection 2 of NRS 630.160.

Sec. 19. NRS 630.265 is hereby amended to read as follows:

630.265 1. Unless the Board denies such licensure pursuant to NRS 630.161 or for other good cause, the Board shall issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program, ~~and is a citizen of the United States or lawfully entitled to remain and work in the United States.~~ A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 20. NRS 630.2751 is hereby amended to read as follows:

630.2751 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 21. NRS 630.2752 is hereby amended to read as follows:

630.2752 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 630A.230 is hereby amended to read as follows:

630A.230 1. Every person desiring to practice homeopathic medicine as a homeopathic physician must, before beginning to practice, procure from the Board a license authorizing such practice.

2. Except as otherwise provided in NRS 630A.225, a license may be issued to any person who:

(a) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(b)~~ Is of good moral character;

~~(c)~~ (b) Has received the degree of doctor of medicine or doctor of osteopathic medicine, or its equivalent as provided in paragraph (a) of subsection 1 of NRS 630A.240;

~~(d)~~ (c) Is licensed in good standing to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States;

~~(e)~~ (d) Has completed a program of not less than 3 years of postgraduate training in allopathic or osteopathic medicine approved by the Board;

~~(f)~~ (e) Has passed all oral or written examinations required by the Board or this chapter; and

~~(g)~~ (f) Meets any additional requirements established by the Board, including, without limitation, requirements established by regulations adopted by the Board.

Sec. 23. NRS 630A.270 is hereby amended to read as follows:

630A.270 1. An applicant for a license to practice homeopathic medicine who is a graduate of a foreign medical school shall submit to the Board through its Secretary-Treasurer proof that the applicant:

(a) ~~Is a citizen of the United States, or that he or she is lawfully entitled to remain and work in the United States;~~

~~(b)~~ Has received the degree of doctor of medicine or its equivalent, as determined by the Board, from a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates;

~~[(c)]~~ (b) Has completed 3 years of postgraduate training satisfactory to the Board;

~~[(d)]~~ (c) Has completed an additional 6 months of postgraduate training in homeopathic medicine;

~~[(e)]~~ (d) Has received the standard certificate of the Educational Commission for Foreign Medical Graduates; and

~~[(f)]~~ (e) Has passed all parts of the Federation Licensing Examination, or has received a written statement from the Educational Commission for Foreign Medical Graduates that the applicant has passed the examination given by the Commission.

2. In addition to the proofs required by subsection 1, the Board may take such further evidence and require such further proof of the professional and moral qualifications of the applicant as in its discretion may be deemed proper.

3. If the applicant is a diplomate of an approved specialty board recognized by this Board, the requirements of paragraphs ~~[(e)]~~ (b) and ~~[(d)]~~ (c) of subsection 1 may be waived by the Board.

4. Before issuance of a license to practice homeopathic medicine, the applicant who presents the proof required by subsection 1 shall appear personally before the Board and satisfactorily pass a written or oral examination, or both, as to his or her qualifications to practice homeopathic medicine.

Sec. 24. NRS 630A.320 is hereby amended to read as follows:

630A.320 1. Except as otherwise provided in NRS 630A.225, the Board may issue to a qualified applicant a limited license to practice homeopathic medicine as a resident homeopathic physician in a postgraduate program of clinical training if:

(a) The applicant is a graduate of an accredited medical school in the United States or Canada or is a graduate of a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates and ~~is~~

~~— (1) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~— (2) Has~~ has completed 1 year of supervised clinical training approved by the Board.

(b) The Board approves the program of clinical training, and the medical school or other institution sponsoring the program provides the Board with written confirmation that the applicant has been appointed to a position in the program.

2. In addition to the requirements of subsection 1, an applicant who is a graduate of a foreign medical school must have received the standard certificate of the Educational Commission for Foreign Medical Graduates.

3. The Board may issue this limited license for not more than 1 year, but may renew the license.

4. The holder of this limited license may practice homeopathic medicine only in connection with his or her duties as a resident physician and shall not engage in the private practice of homeopathic medicine.

5. A limited license granted under this section may be revoked by the Board at any time for any of the grounds set forth in NRS 630A.225 or 630A.340 to 630A.380, inclusive.

Sec. 24.5. NRS 631.230 is hereby amended to read as follows:

631.230 1. Any person is eligible to apply for a license to practice dentistry in the State of Nevada who:

- (a) Is over the age of 21 years;
- (b) ~~Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~
- ~~(c)~~ Is a graduate of an accredited dental school or college; and
- ~~(d)~~ (c) Is of good moral character.

2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dentistry in another state has been suspended or revoked or whether the person is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 25. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:

- (a) Is qualified for a license to practice dentistry or dental hygiene in this State;
- (b) Pays the required application fee;
- (c) Has entered into a contract with:
 - (1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or
 - (2) An accredited program of dentistry or dental hygiene of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;
- (d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and
- (e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program ~~and is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~ If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program ~~is lawfully entitled to remain and work in the United States~~ and is in compliance with all other requirements for the limited license.


2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry or dental hygiene if:

(1) The person is involved in a disciplinary action concerning the license;

or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry or dental hygiene,  in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry or dental hygiene in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene for services provided as a dental intern, dental resident or instructor of dentistry or dental hygiene pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry or dental hygiene in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited

license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 26. NRS 631.290 is hereby amended to read as follows:

631.290 1. Any person is eligible to apply for a license to practice dental hygiene in this State who:

- (a) Is of good moral character;
- (b) Is over 18 years of age; *and*
- (c) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~
- ~~(d)~~ Is a graduate of a program of dental hygiene from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:

(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and

(2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.

2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 27. NRS 632.161 is hereby amended to read as follows:

632.161 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a professional nurse; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 28. NRS 632.162 is hereby amended to read as follows:

632.162 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a professional nurse; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a professional nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 29. NRS 632.281 is hereby amended to read as follows:

632.281 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a practical nurse; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 30. NRS 632.282 is hereby amended to read as follows:

632.282 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a practical nurse; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ↪ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a practical nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 31. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315 and 633.381 to 633.419, inclusive, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

(a) The applicant is 21 years of age or older;

(b) ~~The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ The applicant is a graduate of a school of osteopathic medicine;

~~(d)~~ (c) The applicant:

(1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(I) A hospital internship; or

(II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~((e))~~ (d) The applicant applies for the license as provided by law;

~~((f))~~ (e) The applicant passes:

(1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(2) All parts of the licensing examination of the Federation of State Medical Boards;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(4) A combination of the parts of the licensing examinations specified in subparagraphs (1), (2) and (3) that is approved by the Board;

~~((g))~~ (f) The applicant pays the fees provided for in this chapter; and

~~((h))~~ (g) The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph ~~((d))~~ (c) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph ~~((d))~~ (c) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 32. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in subparagraph (3) of paragraph ~~((d))~~ (c) of subsection 1 of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 33. NRS 633.401 is hereby amended to read as follows:

633.401 1. Unless the Board denies such licensure pursuant to NRS 633.315 or for other good cause, the Board shall issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of subparagraph (3) of paragraph ~~(d)~~ (c) of subsection 1 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 34. NRS 633.4335 is hereby amended to read as follows:

633.4335 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state

or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

~~[(4)]~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ↪ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 35. NRS 633.4336 is hereby amended to read as follows:

633.4336 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~—(3)~~ Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state

or territory in which the applicant holds a license to practice as a physician assistant; and

~~4~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ↪ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 36. NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application not less than 60 days before the date of the examination.

2. An application must be filed with the Secretary of the Board on a form to be furnished by the Secretary.

3. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

~~(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~(f)~~ Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate from the chiropractic board of each state in which the applicant was licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

~~(g)~~ (f) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

~~(h)~~ (g) The names of:

- (1) Two persons who have known the applicant for at least 3 years; and
- (2) A person who is a chiropractor licensed pursuant to the provisions of

this chapter or a professor at a school of chiropractic.

~~(i)~~ (h) All other information required to complete the application.

4. An application must include a copy of the applicant's official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.

Sec. 37. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. Except as otherwise provided in NRS 635.066 and 635.0665, a license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(c)~~ Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

~~(d)~~ (c) Has completed a residency approved by the Board.

~~(e)~~ (d) Has passed the examination given by the National Board of Podiatric Medical Examiners.

~~(f)~~ (e) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the

applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license, including a license by endorsement, of not more than \$600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

↪ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 38. NRS 635.066 is hereby amended to read as follows:

635.066 1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice podiatry; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than:

- (a) Forty-five days after receiving the application; or
 - (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
- ↪ whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 39. NRS 635.0665 is hereby amended to read as follows:

635.0665 1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~
 - ~~(3)~~ (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and
 - ~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
- (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 635.067;
- (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and
- (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than:

- (a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice podiatry in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a license by endorsement pursuant to this section and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee established pursuant to NRS 635.050 for the initial issuance of the license. As used in this subsection, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 40. NRS 635.075 is hereby amended to read as follows:

635.075 1. The Board shall issue a limited license to practice podiatry pursuant to this section to each applicant who complies with the provisions of this section.

2. An applicant for a limited license to practice podiatry must submit to the Board:

(a) An application on a form provided by the Board;

(b) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(c) Satisfactory proof that the applicant:

(1) Is of good moral character;

(2) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(3) For not less than 25 years:~~

(I) Was licensed to practice podiatry in one or more states or the District of Columbia and practiced podiatry during the period each such license was in effect; and

(II) Remained licensed in good standing at all times during the period he or she was licensed to practice podiatry; and

~~((4)) (3)~~ Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this subparagraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a limited license is not required to be licensed to practice podiatry in another state or the District of Columbia when he or she submits the application for a limited license to the Board.

4. A person who is issued a limited license pursuant to this section may practice podiatry only under the direct supervision of a podiatric physician

who is licensed pursuant to this chapter and who does not hold a limited license issued pursuant to this section.

5. A limited license issued pursuant to this section:

- (a) Is effective upon issuance; and
- (b) May be renewed in the manner prescribed in NRS 635.110.

6. The Board may:

- (a) Place such restrictions and conditions upon a limited license issued pursuant to this section as the Board deems appropriate; and
- (b) Adopt regulations to carry out the provisions of this section.

Sec. 41. NRS 635.082 is hereby amended to read as follows:

635.082 1. A graduate of an accredited school of podiatry may, during his or her residency, be granted a provisional license to practice podiatry under the direct supervision of a podiatric physician licensed to practice in this State. A provisional license must not be effective for more than 1 year and is not renewable.

2. A provisional license to practice podiatry may be issued by the Board to any person who:

(a) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(b)~~ Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

~~(c)~~ **(b)** Has passed the examination given by the National Board of Podiatric Medical Examiners.

3. An applicant for a provisional license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a provisional license of not more than \$600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a provisional license.

4. The fee required pursuant to subsection 3 must be established by regulation of the Board.

5. The Board may by regulation govern the issuance and conditions of the provisional license.

Sec. 42. NRS 635.093 is hereby amended to read as follows:

635.093 Any person wishing to be licensed as a podiatry hygienist in this State must:

1. Furnish the Board with satisfactory proof that the person:

(a) Is of good moral character.

(b) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(e)~~ Has satisfactorily completed a course for podiatry hygienists approved by the Board or has had 6 months or more of training in a podiatric physician's office as approved by the Board.

2. Submit all information required to complete an application for a license.

3. Pay to the Board a fee, not exceeding \$100, which must be established by regulation of the Board.

Sec. 43. NRS 636.155 is hereby amended to read as follows:

636.155 Except as otherwise provided in NRS 636.206 and 636.207, an applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;

2. ~~Is a citizen of the United States or is lawfully entitled to reside and work in this country;~~

~~3.~~ Is of good moral character;

~~4.~~ **3.** Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and

~~5.~~ **4.** Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 44. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

~~(4)~~ **(3)** Has been continuously and actively engaged in the practice of optometry for the past 5 years;

~~(5)~~ **(4)** Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(6)] (5)~~ Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 45. NRS 636.207 is hereby amended to read as follows:

636.207 1. The Board may issue a license by endorsement to practice optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice optometry in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~—(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice optometry; and

~~[(4)] (3)~~ Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the

application and issue a license by endorsement to practice optometry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice optometry may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 46. NRS 637.100 is hereby amended to read as follows:

637.100 1. To qualify for examination and licensing as a dispensing optician, an applicant must furnish proof that the applicant:

- (a) Is at least 18 years of age.
- (b) Is of good moral character.
- (c) ~~Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~
- ~~(d)~~ Is a graduate of an accredited high school or its equivalent.
- ~~(e)~~ **(d)** Has passed the examination of the American Board of Opticianry.
- ~~(f)~~ **(e)** Has done either of the following:
 - (1) Served as an apprentice dispensing optician for not less than 3 years in an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved by the Board; or
 - (2) Successfully completed a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the Board and has had 1 year of ophthalmic experience as an apprentice dispensing optician under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.
- ~~(g)~~ **(f)** Has done all of the following:
 - (1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;
 - (2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;
 - (3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and

(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that establish requirements for:

- (a) The program of apprenticeship for apprentice dispensing opticians;
- (b) The training and experience of apprentice dispensing opticians; and
- (c) The issuance of licenses to apprentice dispensing opticians.

Sec. 47. NRS 637.127 is hereby amended to read as follows:

637.127 1. The Board shall issue a special license as a dispensing optician to an applicant who:

- (a) Is at least 18 years of age;
- (b) Is of good moral character;
- ~~(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~
- ~~(d)~~ (d) Is a graduate of an accredited high school or its equivalent;
- ~~(e)~~ (d) Has passed the National Opticianry Competency Examination of the American Board of Opticianry;
- ~~(f)~~ (e) Is currently certified by the American Board of Opticianry;
- ~~(g)~~ (f) Has passed the Contact Lens Registry Examination of the National Contact Lens Examiners;
- ~~(h)~~ (g) Is currently certified by the National Contact Lens Examiners;
- ~~(i)~~ (h) Has passed an examination, if one exists, which is based solely on the provisions of this chapter and any regulations adopted pursuant thereto and is administered by the Board; and
- ~~(j)~~ (i) Has either:

- (1) An active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or
- (2) Not less than 5 years of experience as a dispensing optician.

2. A person practicing ophthalmic dispensing pursuant to a special license as provided in this section is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal, inactivity or reactivation of a license.

Sec. 48. NRS 637B.203 is hereby amended to read as follows:

637B.203 1. The Board may issue a license by endorsement to engage in the practice of audiology or speech-language pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech-language pathology, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of audiology or speech-language pathology, as applicable; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech-language pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech-language pathology, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of audiology or speech-language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 49. NRS 637B.204 is hereby amended to read as follows:

637B.204 1. The Board may issue a license by endorsement to engage in the practice of audiology or speech-language pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech-language pathology, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in

which the applicant holds a license to engage in the practice of audiology or speech-language pathology, as applicable; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech-language pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech-language pathology, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to engage in the practice of audiology or speech-language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in the practice of audiology or speech-language pathology, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 50. NRS 638.100 is hereby amended to read as follows:

638.100 1. Any person who desires to secure a license to practice veterinary medicine, surgery, obstetrics or dentistry in the State of Nevada must make written application to the Executive Director of the Board.

2. The application must include all information required to complete the application and any other information required by the Board and must be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Except as otherwise provided in subsection 3, has received a diploma conferring the degree of doctor of veterinary medicine or its equivalent from a school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association or, if the applicant is a graduate of a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association, that the applicant has received an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or, if the Educational Commission for Foreign Veterinary

Graduates of the American Veterinary Medical Association ceases to exist, by an organization approved by the Board that certifies that the holder of the certificate has demonstrated knowledge and skill of veterinary medicine that is equivalent to the knowledge and skill of veterinary medicine of a graduate of a college of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; ***and***

(c) Has passed each examination required by the Board pursuant to NRS 638.110. ~~and~~

~~(d) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

3. A veterinary student in his or her final year at a school accredited by the American Veterinary Medical Association may submit an application to the Board and take the state examination administered by the Board, but the Board may not issue a license until the student has complied with the requirements of subsection 2.

4. The application must be signed by the applicant, notarized and accompanied by a fee set by the Board, not to exceed \$500.

5. The Board may refuse to issue a license if the Board determines that an applicant has committed an act which would be a ground for disciplinary action if the applicant were a licensee.

Sec. 51. NRS 638.116 is hereby amended to read as follows:

638.116 1. Any person who desires to secure a license as a euthanasia technician must make written application to the Executive Director of the Board.

2. The application must be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character.

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(c)~~ Is employed by a law enforcement agency, an animal control agency, or by a society for the prevention of cruelty to animals that is in compliance with the provisions of chapter 574 of NRS.

~~(d)~~ (c) Has not been convicted of a felony.

~~(e)~~ (d) Has furnished any other information required by the Board.

3. The application must be accompanied by:

(a) A fee to be set by the Board in an amount not to exceed \$500; and

(b) All information required to complete the application.

Sec. 52. NRS 638.122 is hereby amended to read as follows:

638.122 1. Any person who desires to secure a license as a veterinary technician must make written application to the Executive Director of the Board.

2. The application must be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character.

(b) Has received a diploma conferring the degree of veterinary technician or its equivalent after having completed a college level course at a school approved by the Board.

~~(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(d)~~ Has furnished any other information required by the Board.

3. The application must be accompanied by:

(a) A fee to be set by the Board in an amount not to exceed \$500; and

(b) All information required to complete the application.

Sec. 53. NRS 639.136 is hereby amended to read as follows:

639.136 1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

~~(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a certificate as a registered pharmacist; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 54. NRS 639.1365 is hereby amended to read as follows:

639.1365 1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in

this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a registered pharmacist; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate as a registered pharmacist to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 55. NRS 639.2315 is hereby amended to read as follows:

639.2315 1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to conduct a pharmacy; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 56. NRS 639.2316 is hereby amended to read as follows:

639.2316 1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to conduct a pharmacy; and

~~[(4)] (3)~~ Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license to conduct a pharmacy to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 57. NRS 640.145 is hereby amended to read as follows:

640.145 1. The Board may issue a license by endorsement as a physical therapist or physical therapist assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist or physical therapist assistant, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined and is not currently being investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a physical therapist or physical therapist assistant; and

~~[(4)] (3)~~ Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ↪ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by the Chair of the Board or his or her designee. Such an action shall be deemed to be an action of the Board.

Sec. 58. NRS 640.146 is hereby amended to read as follows:

640.146 1. The Board may issue a license by endorsement as a physical therapist or physical therapist assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist or physical therapist assistant in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3) Has not been disciplined and is not currently being investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist or physical therapist assistant; and~~

~~(4) (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;~~

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by the Chair of the Board or his or her designee. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist or physical therapist assistant, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 59. NRS 640A.165 is hereby amended to read as follows:

640A.165 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as an occupational therapist; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 60. NRS 640A.166 is hereby amended to read as follows:

640A.166 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the

Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 61. NRS 640B.310 is hereby amended to read as follows:

640B.310 1. An applicant for a license as an athletic trainer must:

(a) Be of good moral character;

~~(b) Be a citizen of the United States or lawfully entitled to remain and work in the United States;~~

~~(c)~~ Have at least a bachelor’s degree in a program of study approved by the Board;

~~(d)~~ (c) Submit an application on a form provided by the Board;

~~(e)~~ (d) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~(f)~~ (e) Pay the fees prescribed by the Board pursuant to NRS 640B.410, which are not refundable; and

~~(g)~~ (f) Except as otherwise provided in subsection 2 and NRS 640B.320, pass the examination prepared by the National Athletic Trainers Association Board of Certification or its successor organization.

2. An applicant who submits proof of current certification as an athletic trainer by the National Athletic Trainers Association Board of Certification, or its successor organization, is not required to pass the examination required by paragraph ~~(e)~~ (f) of subsection 1.

3. An applicant who fails the examination may not reapply for a license for at least 1 year after the date on which the applicant submitted the application to the Board.

Sec. 62. NRS 640C.426 is hereby amended to read as follows:

640C.426 1. The Board may issue a license by endorsement to practice massage therapy, reflexology or structural integration to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy, reflexology or structural integration in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy, reflexology or structural integration; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy, reflexology or structural integration pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy, reflexology or structural integration to the applicant not later than:

(a) Forty-five days after receiving all additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice massage therapy, reflexology or structural integration may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement, the Board may grant a provisional license authorizing an applicant to practice as a massage therapist, reflexologist or structural integration practitioner in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 63. NRS 641.170 is hereby amended to read as follows:

641.170 1. Except as otherwise provided in NRS 641.195 and 641.196, each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 21 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) ~~Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~
- ~~(d)~~ Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.
- ~~(e)~~ **(d)** Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. Except as otherwise provided in NRS 641.195 and 641.196, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and
- (b) Issue a written statement to the applicant of its determination.

3. The written statement issued to the applicant pursuant to subsection 2 must include:

- (a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.
- (b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 64. NRS 641.195 is hereby amended to read as follows:

641.195 1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~
 - ~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in

which the applicant currently holds or has held a license as a psychologist or behavior analyst, as applicable; and

~~[(4)]~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ↪ whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 65. NRS 641.196 is hereby amended to read as follows:

641.196 1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~—(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist or behavior analyst, as applicable; and

~~((4))~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↳ whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist or behavior analyst, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 66. NRS 641.226 is hereby amended to read as follows:

641.226 1. A person who wishes to obtain any postdoctoral supervised experience that is required for licensure as a psychologist pursuant to paragraph ~~((e))~~ (d) of subsection 1 of NRS 641.170 must register with the Board as a psychological assistant.

2. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to engage in a predoctoral internship pursuant to the requirements of the training program,

↳ may register with the Board as a psychological intern.

3. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to perform professional activities or services under the supervision of a psychologist,

↳ may register with the Board as a psychological trainee.

4. A person desiring to register as a psychological assistant, psychological intern or psychological trainee must:

(a) Make application to the Board on a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints, a fee for the processing of fingerprints established by the Board and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

5. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

6. An application for initial registration as a psychological assistant, psychological intern or psychological trainee is not considered complete and

received until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

7. A registration as a:

(a) Psychological assistant expires 1 year after the date of registration unless the registration is renewed pursuant to subsection 8. A registration as a psychological assistant may not be renewed if the renewal would cause the psychological assistant to be registered as a psychological assistant for more than 3 years unless otherwise approved by the Board.

(b) Psychological intern expires 2 years after the date of registration and may not be renewed unless otherwise approved by the Board.

(c) Psychological trainee expires 2 years after the date of registration unless the registration is renewed pursuant to subsection 8. A registration as a psychological trainee may not be renewed if the renewal would cause the psychological trainee to be registered as a psychological trainee for more than 5 years unless otherwise approved by the Board.

8. To renew a registration as a psychological assistant, psychological intern or psychological trainee, the registrant must, on or before the expiration of the registration:

(a) Apply to the Board for renewal;

(b) Pay the fee prescribed by the Board pursuant to NRS 641.228 for the renewal of a registration as a psychological assistant, psychological intern or psychological trainee; and

(c) Submit all information required to complete the renewal.

9. Any activity or service performed by a psychological assistant, psychological intern or psychological trainee must be performed under the supervision of a psychologist in accordance with regulations adopted by the Board.

Sec. 67. NRS 641A.220 is hereby amended to read as follows:

641A.220 Except as otherwise provided in NRS 641A.241 and 641A.242, each applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. ~~Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4.]~~ Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

~~5.]~~ **4.** Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

~~6.~~ 5. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 68. NRS 641A.231 is hereby amended to read as follows:

641A.231 Except as otherwise provided in NRS 641A.241 and 641A.242, each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. ~~Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4.~~ Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

~~5.~~ 4. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 69. NRS 641A.241 is hereby amended to read as follows:

641A.241 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a marriage and family therapist or clinical professional counselor, as applicable; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 70. NRS 641A.242 is hereby amended to read as follows:

641A.242 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in

which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

~~[(4)]~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a marriage and family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 71. NRS 641A.287 is hereby amended to read as follows:

641A.287 1. A person who wishes to obtain the supervised experience that is required for licensure as a marriage and family therapist pursuant to this chapter must obtain a license as a marriage and family therapist intern before beginning the supervised experience.

2. An applicant for a license as a marriage and family therapist intern must furnish evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) ~~Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~—(d)~~ Possesses a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board; and

~~[(c)]~~ (d) Has entered into a supervision agreement with an approved supervisor.

Sec. 72. NRS 641A.2874 is hereby amended to read as follows:

641A.2874 The holder of a license as a marriage and family therapist intern:

1. May engage in the practice of marriage and family therapy only for the purposes of obtaining the supervised experience required by subsection ~~[(5)]~~ 4 of NRS 641A.220 for a license to practice as a marriage and family therapist; and

2. Shall not engage in the practice of marriage and family therapy independently.

Sec. 73. NRS 641A.288 is hereby amended to read as follows:

641A.288 1. A person who wishes to obtain the supervised experience that is required for licensure as a clinical professional counselor pursuant to this chapter must obtain a license as a clinical professional counselor intern before beginning the supervised experience.

2. An applicant for a license as a clinical professional counselor intern must furnish evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age;

(b) Is of good moral character;

~~(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(d)~~ Possesses a graduate degree in counseling from an accredited college or university approved by the Board which required the completion of a practicum or internship; and

~~[(c)]~~ (d) Has entered into a supervision agreement with an approved supervisor.

Sec. 74. NRS 641A.2884 is hereby amended to read as follows:

641A.2884 The holder of a license as a clinical professional counselor intern:

1. May engage in the practice of clinical professional counseling only for the purposes of obtaining the supervised experience required by subsection ~~[(5)]~~ 4 of NRS 641A.231 for a license to practice as a clinical professional counselor; and

2. Shall not engage in the practice of clinical professional counseling independently.

Sec. 75. NRS 641B.200 is hereby amended to read as follows:

641B.200 Each applicant for a license shall furnish evidence satisfactory to the Board that the applicant is ~~is~~

~~1. At~~ at least 21 years of age.

~~2. A citizen of the United States, or is lawfully entitled to remain and work in the United States.~~

Sec. 76. NRS 641B.271 is hereby amended to read as follows:

641B.271 1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this

section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

~~(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in social work;

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

~~(5)~~ (4) Has been continuously and actively engaged in social work for the past 5 years;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 77. NRS 641B.272 is hereby amended to read as follows:

641B.272 1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

~~(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in social work;

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

~~(5)~~ (4) Is currently engaged in social work under the license held required by paragraph (a) of subsection 1;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in social work in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 78. NRS 641C.150 is hereby amended to read as follows:

641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.

2. The Board must consist of:

(a) Three members who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors pursuant to the provisions of this chapter.

(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.

(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor or a certified problem gambling counselor; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor or a certified problem gambling counselor.

3. A person may not be appointed to the Board unless he or she is, ~~is~~

~~(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(b) A resident of this State.~~

4. No member of the Board may be held liable in a civil action for any act that he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter.

Sec. 79. NRS 641C.330 is hereby amended to read as follows:

641C.330 The Board shall issue a license as a clinical alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;

~~(d)~~ ~~(c)~~ Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;

~~(e)~~ ~~(d)~~ Has completed a program that:

(1) Is approved by the Board; and

(2) Consists of at least 2,000 hours of postgraduate counseling of persons with mental illness who are also alcohol and drug abusers that is supervised by a licensed clinical alcohol and drug abuse counselor who is approved by the Board;

~~[(c)] (e)~~ Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~[(e)] (f)~~ Pays the fees required pursuant to NRS 641C.470; and

~~[(h)] (g)~~ Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~[(e)]~~ Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or

(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

~~[(d)] (c)~~ Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

~~[(e)] (d)~~ Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~[(f)] (e)~~ Pays the fees required pursuant to NRS 641C.470; and

~~[(g)] (f)~~ Submits all the information required to complete an application for a license.

Sec. 80. NRS 641C.3305 is hereby amended to read as follows:

641C.3305 1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~[(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a clinical alcohol and drug abuse counselor; and

~~[(4)] (3)~~ Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ↪ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 81. NRS 641C.3306 is hereby amended to read as follows:

641C.3306 1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a clinical alcohol and drug abuse counselor; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a clinical alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 82. NRS 641C.340 is hereby amended to read as follows:

641C.340 1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ Pays the fees required pursuant to NRS 641C.470;

~~(d)~~ (c) Submits proof to the Board that the person has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders; and

~~(e)~~ (d) Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for 6 months and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 83. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

~~(d)~~ (c) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

~~(e)~~ (d) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~(f)~~ (e) Pays the fees required pursuant to NRS 641C.470; and

~~(g)~~ (f) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

~~(d)~~ (c) Has completed 1,000 hours of supervised counseling of alcohol and drug abusers approved by the Board;

~~(e)~~ (d) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~(f)~~ (e) Pays the fees required pursuant to NRS 641C.470; and

~~(g)~~ (f) Submits all information required to complete an application for a license.

Sec. 84. NRS 641C.355 is hereby amended to read as follows:

641C.355 1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as an alcohol and drug abuse counselor; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 85. NRS 641C.356 is hereby amended to read as follows:

641C.356 1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an alcohol and drug abuse counselor; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 86. NRS 641C.390 is hereby amended to read as follows:

641C.390 1. The Board shall issue a certificate as an alcohol and drug abuse counselor to a person who:

- (a) Is not less than 21 years of age;
- ~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;

~~(d)~~ (c) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

~~(e)~~ (d) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~(f)~~ (e) Pays the fees required pursuant to NRS 641C.470; and

~~(g)~~ (f) Submits all information required to complete an application for a certificate.

2. The Board may waive the educational requirement set forth in paragraph ~~(e)~~ (b) of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 5301 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph ~~(e)~~ (b) of subsection 1 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 5301 et seq. or 25 U.S.C. §§ 1601 et seq.

3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

4. A certified alcohol and drug abuse counselor may:

- (a) Engage in the practice of counseling alcohol and drug abusers;
- (b) Diagnose or classify a person as an alcoholic or abuser of drugs; and
- (c) If the certified alcohol and drug abuse counselor has been certified for at least 3 years and meets any other requirements prescribed by regulation of the Board for the supervision of interns, supervise certified alcohol and drug abuse counselor interns.

Sec. 87. NRS 641C.395 is hereby amended to read as follows:

641C.395 1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

- (a) Proof satisfactory to the Board that the applicant:

- (1) Satisfies the requirements of subsection 1;
 - (2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~
 - ~~(3)~~ (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a certificate as an alcohol and drug abuse counselor; and
 - ~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
 - (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;
 - (c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;
 - (d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and
 - (e) Any other information required by the Board.
3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:
- (a) Forty-five days after receiving the application; or
 - (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
- ↪ whichever occurs later.
4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 88. NRS 641C.396 is hereby amended to read as follows:

- 641C.396 1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:
- (a) Holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and
 - (b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.
2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:
- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an alcohol and drug abuse counselor; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 89. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ Pays the fees required pursuant to NRS 641C.470;

~~(d)~~ (c) Submits proof to the Board that the person:

(1) Is enrolled in a program in which he or she has completed at least 60 hours of credit toward the completion of a bachelor's degree in a field of social science approved by the Board;

(2) Is enrolled in a program from which he or she will receive a master's degree or doctoral degree in a field of social science approved by the Board;
or

(3) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers in a field of social science approved by the Board;

~~[(e)]~~ (d) Has received at least 6 hours of instruction relating to confidentiality and 6 hours of instruction relating to ethics; and

~~[(f)]~~ (e) Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 6 months and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified alcohol and drug abuse counselor who meets the requirements of paragraph (c) of subsection 4 of NRS 641C.390:

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 90. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~[(c)]~~ Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

~~[(d)]~~ (c) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

~~[(e)]~~ (d) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

~~[(f)]~~ (e) Passes the written and oral examination prescribed by the Board pursuant to NRS 641C.290;

~~[(g)]~~ (f) Presents himself or herself when scheduled for an interview at a meeting of the Board;

~~[(h)]~~ (g) Pays the fees required pursuant to NRS 641C.470; and

~~[(i)]~~ (h) Submits all information required to complete an application for a certificate.

2. A person who:
- (a) Is not less than 21 years of age;
 - (b) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~
 - ~~(c)~~ Is licensed as:
 - (1) A clinical social worker pursuant to chapter 641B of NRS;
 - (2) A clinical professional counselor pursuant to chapter 641A of NRS;
 - (3) A marriage and family therapist pursuant to chapter 641A of NRS;
 - (4) A physician pursuant to chapter 630 of NRS;
 - (5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;
 - (6) A psychologist pursuant to chapter 641 of NRS;
 - (7) An alcohol and drug abuse counselor pursuant to this chapter; or
 - (8) A clinical alcohol and drug abuse counselor pursuant to this chapter;
 - ~~(d)~~ (c) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;
 - ~~(e)~~ (d) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;
 - ~~(f)~~ (e) Passes the written and oral examination prescribed by the Board pursuant to NRS 641C.290;
 - ~~(g)~~ (f) Pays the fees required pursuant to NRS 641C.470; and
 - ~~(h)~~ (g) Submits all information required to complete an application for a certificate.

Sec. 91. NRS 641C.432 is hereby amended to read as follows:

641C.432 1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

- (a) Proof satisfactory to the Board that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~
 - ~~(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a certificate as a problem gambling counselor; and
 - ~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;
- (b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
 ↪ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 92. NRS 641C.433 is hereby amended to read as follows:

641C.433 1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~ (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a problem gambling counselor; and

~~(4)~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a problem gambling counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 93. NRS 641C.440 is hereby amended to read as follows:

641C.440 1. The Board may issue a certificate as a problem gambling counselor intern to a person who:

(a) Is not less than 21 years of age;

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~ Submits proof to the Board that the person:

(1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or

(2) Is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;

~~(d)~~ (c) Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

~~(e)~~ (d) Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him or her in a setting approved by the Board;

~~(f)~~ (e) Pays the fees required pursuant to NRS 641C.470; and

~~(g)~~ (f) Submits all information required to complete an application for a certificate.

2. A certificate as a problem gambling counselor intern is valid for 6 months and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that the person is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

- (a) Engage in the practice of counseling problem gamblers; and
- (b) Assess and evaluate a person as a problem gambler.

Sec. 94. NRS 644A.300 is hereby amended to read as follows:

644A.300 The Board shall admit to examination for a license as a cosmetologist any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

- 1. Is not less than 18 years of age.
- 2. Is of good moral character.
- 3. ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~4.~~ Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

~~5.~~ 4. Has had any one of the following:

- (a) Training of at least 1,600 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.
- (b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.
- (c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.
- (d) At least 3,200 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644A.310.

Sec. 95. NRS 644A.315 is hereby amended to read as follows:

644A.315 The Board shall admit to examination for a license as a hair designer each person who has applied to the Board in proper form and paid the fee, and who:

- 1. Is not less than 18 years of age.
- 2. Is of good moral character.
- 3. ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~4.~~ Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~5.~~ 4. Satisfies at least one of the following:

(a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State.

(d) Has had at least 2,400 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644A.325.

Sec. 96. NRS 644A.330 is hereby amended to read as follows:

644A.330 The Board shall admit to examination for a license as an esthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;

3. ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~4.]~~ Has successfully completed the 10th grade in school or its equivalent; and

~~5.]~~ 4. Has had any one of the following:

(a) A minimum of 900 hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology.

(b) Practice as a full-time licensed esthetician for at least 1 year.

(c) At least 1,800 hours of service as an esthetician's apprentice in a licensed cosmetological establishment in which esthetics is practiced. The required hours must have been completed during the period of validity of the certificate of registration as an esthetician's apprentice issued to the person pursuant to NRS 644A.340.

Sec. 97. NRS 644A.345 is hereby amended to read as follows:

644A.345 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.

3. ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~4.]~~ Has successfully completed the 10th grade in school or its equivalent.

~~5.]~~ 4. Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a full-time licensed nail technologist for 1 year outside the State of Nevada.

(c) At least 1,200 hours of service as a nail technologist's apprentice in a licensed cosmetological establishment in which nail technology is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a nail technologist's apprentice issued to the person pursuant to NRS 644A.355.

Sec. 98. NRS 644A.360 is hereby amended to read as follows:

644A.360 1. Except as otherwise provided in NRS 644A.365, the Board shall admit to examination as a hair braider each person who has applied to the Board in proper form and paid the fee, and who:

- (a) Is not less than 18 years of age.
- (b) Is of good moral character.
- (c) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~(d)~~ Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~(e)~~ (d) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

- (I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;
- (II) Seventy-five hours concerning infection control and prevention and sanitation;
- (III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and
- (IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

~~(e)~~ (e) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification

card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;

- (2) The birth certificate of the applicant; or
- (3) The current passport issued to the applicant.

Sec. 99. NRS 644A.365 is hereby amended to read as follows:

644A.365 1. The Board shall admit to examination as a hair braider each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of \$200, and who:

- (a) Is not less than 18 years of age.
- (b) Is of good moral character.
- (c) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~(d)~~ Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~(c)~~ **(d)** If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

- (1) Has submitted to the Board proof of the license; and
- (2) Has passed the written tests described in NRS 644A.370.

~~(d)~~ **(e)** If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

- (1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and
- (2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

- (1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;
- (2) The birth certificate of the applicant; or
- (3) The current passport issued to the applicant.

Sec. 100. NRS 644A.370 is hereby amended to read as follows:

644A.370 1. The examination for licensure as a hair braider pursuant to paragraph ~~(c)~~ **(d)** of subsection 1 of NRS 644A.365 must include:

- (a) A written test on antisepsis, sterilization and sanitation;
- (b) A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; and
- (c) Such other tests or examinations as the Board deems necessary.

2. The examination for licensure as a hair braider pursuant to NRS 644A.360 or paragraph ~~[(c)]~~ (e) of subsection 1 of NRS 644A.365 must include:

(a) The written tests and such other tests or examinations described in subsection 1; and

(b) A practical demonstration in hair braiding.

Sec. 101. NRS 644A.375 is hereby amended to read as follows:

644A.375 1. The Board shall admit to examination for a certificate of registration as a shampoo technologist, any person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 16 years of age.

(b) Is of good moral character.

~~(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~[(d)]~~ Has successfully completed the 10th grade in school or its equivalent.

~~[(e)]~~ (d) Satisfies at least one of the following:

(1) Training of at least 50 hours in a licensed school of cosmetology as a student of the occupation of a cosmetologist or hair designer;

(2) Training of at least 50 hours in a licensed school of cosmetology in a curriculum prescribed by the Board by regulation;

(3) Training of at least 50 hours which is administered online by the Board in a curriculum prescribed by the Board by regulation; or

(4) Has had practice as a full-time licensed shampoo technologist for 1 year outside this State.

2. The Board may charge a fee of not more than \$50 to administer the training described in subparagraph (3) of paragraph ~~[(e)]~~ (d) of subsection 1.

3. A certificate of registration as a shampoo technologist is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 102. NRS 644A.385 is hereby amended to read as follows:

644A.385 The Board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

~~3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~4.]~~ Has completed a course provided by the Board relating to sanitation; and

~~[(5)]~~ 4. Except as otherwise provided in NRS 622.090, has received a score of not less than 75 percent on the examination administered by the Board.

Sec. 103. NRS 644A.395 is hereby amended to read as follows:

644A.395 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall, on or before January

1 of each year, register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by:

(1) A notarized statement indicating that the makeup artist:

(I) Is 18 years of age or older;

(II) Is of good moral character; *and*

~~(III) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(IV)~~ Has completed at least 2 years of high school; and

(2) Two current photographs of the makeup artist which are 2 by 2 inches.

2. The Board shall charge a fee of not more than \$25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

4. A makeup artist, other than a makeup artist required to be registered pursuant to subsection 1, shall not engage in the practice of makeup artistry in this State unless he or she:

(a) Is 18 years of age or older;

(b) Is of good moral character; *and*

~~(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(d)~~ Has completed at least 2 years of high school.

Sec. 104. NRS 644A.400 is hereby amended to read as follows:

644A.400 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

~~3. Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~4.~~ Has successfully completed the 12th grade in school or its equivalent.

~~5.~~ **4.** Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of 5 consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

Sec. 105. NRS 644A.460 is hereby amended to read as follows:

644A.460 Except as otherwise provided in NRS 644A.365, upon application to the Board, accompanied by a fee of \$200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~4.~~ Is currently licensed in another state or territory or the District of Columbia.

Sec. 106. NRS 648.110 is hereby amended to read as follows:

648.110 1. Before the Board grants any license, the applicant, including each director and officer of a corporate applicant, must:

- (a) Be at least 21 years of age.
- (b) ~~Be a citizen of the United States or lawfully entitled to remain and work in the United States.~~
- ~~(c)~~ Be of good moral character and temperate habits.
- ~~(d)~~ (c) Have no conviction of:

(1) A felony relating to the practice for which the applicant wishes to be licensed; or

(2) Any crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

2. Each applicant, or the qualifying agent of a corporate applicant, must:

(a) If an applicant for a private investigator's license, have at least 5 years' experience as an investigator, or the equivalent thereof, as determined by the Board.

(b) If an applicant for a reposessor's license, have at least 5 years' experience as a reposessor, or the equivalent thereof, as determined by the Board.

(c) If an applicant for a private patrol officer's license, have at least 5 years' experience as a private patrol officer, or the equivalent thereof, as determined by the Board.

(d) If an applicant for a process server's license, have at least 2 years' experience as a process server, or the equivalent thereof, as determined by the Board.

(e) If an applicant for a dog handler's license, demonstrate to the satisfaction of the Board his or her ability to handle, supply and train watchdogs.

(f) If an applicant for a license as an intern, have:

(1) Received:

(I) A baccalaureate degree from an accredited college or university and have at least 1 year's experience in investigation or polygraphic examination satisfactory to the Board;

(II) An associate degree from an accredited college or university and have at least 3 years' experience; or

(III) A high school diploma or its equivalent and have at least 5 years' experience; and

(2) Satisfactorily completed a basic course of instruction in polygraphic techniques satisfactory to the Board.

(g) If an applicant for a license as a polygraphic examiner:

(1) Meet the requirements contained in paragraph (f);

(2) Have actively conducted polygraphic examinations for at least 2 years;

(3) Have completed successfully at least 250 polygraphic examinations, including at least 100 examinations concerning specific inquiries as distinguished from general examinations for the purpose of screening;

(4) Have completed successfully at least 50 polygraphic examinations, including 10 examinations concerning specific inquiries, during the 12 months immediately before the date of application; and

(5) Have completed successfully at least 24 hours of advanced polygraphic training acceptable to the Board during the 2 years immediately before the date of application.

(h) Meet other requirements as determined by the Board.

3. The Board, when satisfied from recommendations and investigation that the applicant is of good character, competency and integrity, may issue and deliver a license to the applicant entitling the applicant to conduct the business for which he or she is licensed, for the period which ends on July 1 next following the date of issuance.

4. For the purposes of this section, 1 year of experience consists of 2,000 hours of experience.

Sec. 107. NRS 648.1493 is hereby amended to read as follows:

648.1493 1. To obtain a registration, a person must:

(a) Be a natural person;

(b) File a written application for registration with the Board;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Board of not more than \$135.

2. An application for registration must include:

(a) A fully completed application for registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board; and

(d) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information

or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Board shall issue a registration to an applicant if:

(a) The application is verified by the Board and complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Is at least 18 years of age;

~~(2) Is a citizen of the United States or lawfully entitled to remain and work in the United States;~~

~~(3)~~ (3) Is of good moral character and temperate habits;

~~(4)~~ (3) Has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon;

~~(5)~~ (4) Has not made a false statement of material fact on the application; and

~~(6)~~ (5) Has not violated any provision of this chapter, a regulation adopted pursuant thereto or an order of the Board.

4. Upon the issuance of a registration, a pocket card of such size, design and content as may be determined by the Board will be issued without charge to each registered employee, and will be evidence that the employee is duly registered pursuant to this chapter.

5. A registration issued pursuant to this section and the cards issued pursuant to subsection 4 expire 5 years after the date the registration is issued, unless it is renewed. To renew a registration, the holder of the registration must submit to the Board on or before the date the registration expires:

(a) A fully completed application for renewal of registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board;

(d) A renewal fee set by the Board of not more than \$135; and

(e) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

6. A denial of registration may be appealed to the Board. The Board shall adopt regulations providing for the consideration of such appeals.

Sec. 108. NRS 649.085 is hereby amended to read as follows:

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he or she:

1. ~~Is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~2.~~ Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

~~3.~~ 2. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application.

~~4.~~ 3. Has not been convicted of, or entered a plea of nolo contendere to:
 (a) A felony relating to the practice of collection agencies or collection agents; or

(b) Any crime involving fraud, misrepresentation or moral turpitude.

~~5.~~ 4. Has not made a false statement of material fact on the application.

~~6.~~ 5. Will maintain one or more offices in this State or one or more offices in another state for the transaction of the business of his or her collection agency.

~~7.~~ 6. Has established a plan to ensure that his or her collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 109. NRS 649.196 is hereby amended to read as follows:

649.196 1. Each applicant for a manager's certificate must submit proof satisfactory to the Commissioner that the applicant:

(a) ~~Is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~(b)~~ Is at least 21 years of age.

~~(c)~~ (b) Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

~~(d)~~ (c) Has not committed any of the acts specified in NRS 649.215.

~~(e)~~ (d) Has not had a collection agency license or manager's certificate suspended or revoked within the 10 years immediately preceding the date of filing the application.

~~(f)~~ (e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

~~(g)~~ (f) Has had not less than 2 years' full-time experience with a collection agency in the collection of accounts assigned by creditors who were not affiliated with the collection agency except as assignors of accounts. At least 1 year of the 2 years of experience must have been within the 18-month period preceding the date of filing the application.

2. Each applicant must:

(a) Pass the examination or reexamination provided for in NRS 649.205.

(b) Pay the required fees.

(c) Submit, in such form as the Commissioner prescribes:

(1) Three recent photographs; and

(2) Three complete sets of fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Submit such other information reasonably related to his or her qualifications for the manager's certificate as the Commissioner determines to be necessary.

3. The Commissioner may refuse to issue a manager's certificate if the applicant does not meet the requirements of subsections 1 and 2.

4. If the Commissioner refuses to issue a manager's certificate pursuant to this section, the Commissioner shall notify the applicant in writing by certified mail stating the reasons for the refusal. The applicant may submit a written request for a hearing within 20 days after receiving the notice. If the applicant fails to submit a written request within the prescribed period, the Commissioner shall enter a final order.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 110. NRS 654.155 is hereby amended to read as follows:

654.155 Each applicant for licensure as an administrator of a residential facility for groups pursuant to this chapter must:

1. Be at least 21 years of age;
2. ~~Be a citizen of the United States or lawfully entitled to remain and work in the United States;~~
- ~~3.~~ Be of good moral character and physically and emotionally capable of administering a residential facility for groups;
- ~~4.~~3. Have satisfactorily completed a course of instruction and training prescribed or approved by the Board or be qualified by reason of the applicant's education, training or experience to administer, supervise and manage a residential facility for groups;
- ~~5.~~4. Pass an examination conducted and prescribed by the Board;
- ~~6.~~5. Submit with the application:
 - (a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and
 - (b) A fee to cover the actual cost of obtaining the report from the Federal Bureau of Investigation;
- ~~7.~~6. Comply with such other standards and qualifications as the Board prescribes; and
8. Submit all information required to complete the application.

Sec. 111. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

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

(a) Satisfied the requirements set forth in subsections 1 to ~~5~~ 4, inclusive, of NRS 656.180;

(b) Received a passing grade on:

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

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

(c) Received one of the following:

(1) A certificate as a registered professional reporter issued to the applicant by the National Court Reporters Association;

(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter issued to the applicant by the National Verbatim Reporters Association; or

(4) A valid certificate or license to practice court reporting issued to the applicant by another state if the requirements for certification or licensure in that state are substantially equivalent to the requirements of this State for obtaining a certificate;

(d) Either:

(1) At least 1 year of continuous experience within the 5 years immediately preceding the application, in the practice of court reporting or producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or

(2) Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and

(e) Paid the fee for filing an application for an examination set forth in NRS 656.220.

3. As used in this section, "practice of court reporting" includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.

Sec. 112. NRS 656.180 is hereby amended to read as follows:

656.180 An applicant for a certificate of registration as a certified court reporter is entitled to a certificate if the applicant:

1. ~~Is a citizen of the United States or lawfully entitled to remain and work in the United States;~~

~~2.~~ Is at least 18 years of age;

- ~~{3-}~~ 2. Is of good moral character;
- ~~{4-}~~ 3. Has not been convicted of a felony relating to the practice of court reporting;
- ~~{5-}~~ 4. Has a high school education or its equivalent;
- ~~{6-}~~ 5. Satisfactorily passes:
- (a) An examination administered by the Board pursuant to NRS 656.160; and
- (b) One of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;
- ~~{7-}~~ 6. Pays the requisite fees; and
- ~~{8-}~~ 7. Submits all information required to complete an application for a certificate of registration.

Sec. 113. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator or the Division, as applicable, shall not deny the application of a person for a sales agent's license pursuant to NRS 119A.210, a registration as a representative pursuant to NRS 119A.240 or a registration as a manager of a project pursuant to NRS 119A.532 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 119A.210, 119A.240 and 119A.532, an applicant for a sales agent's license or a registration as a representative or a manager of a project who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application.

3. The Administrator or the Division, as applicable, shall not disclose to any person who is not employed by the Administrator or the Division the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

- (a) Tax purposes;**
- (b) Licensing purposes; and**
- (c) Enforcement of an order for the payment of child support.**

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Administrator or the Division, as applicable, is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 114. Chapter 240 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall not deny the application of a person to be appointed as a notary public pursuant to NRS 240.015 based solely on his or her immigration or citizenship status.

2. An applicant for appointment as a notary public who does not have a social security number must provide an alternative personally identifying

number, including, without limitation, his or her individual taxpayer identification number, when completing an application for appointment as a notary public.

3. The Secretary of State shall not disclose to any person who is not employed by the Secretary of State the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Secretary of State is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 115. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

~~(a) During the period of his or her appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the United States Citizenship and Immigration Services.~~

~~(b) Be a resident of this State.~~

~~(c)~~ (b) Be at least 18 years of age.

~~(d)~~ (c) Possess his or her civil rights.

~~(e)~~ (d) Have completed a course of study pursuant to NRS 240.018.

~~2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his or her appointment, the person shall, within 90 days after his or her lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that the person is lawfully readmitted for permanent residency as verified by the United States Citizenship and Immigration Services. If the person fails to submit such evidence within the prescribed time, the person's appointment expires by operation of law.~~

~~3.~~ The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada that is registered pursuant to chapter 76 of NRS and any applicable business licensing requirements of the local government where the business is located; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer registered to do business in this State.

↪ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend the person's appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his or her term of

appointment as a notary public expires, the information required pursuant to subsection 2 of NRS 240.030.

Sec. 116. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of a city in the State of Nevada shall not deny the application of a person for a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 266.368 or any municipal ordinance, an applicant for a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887 who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license, permit or certificate.

3. The city council or other governing body of a city in the State of Nevada shall not disclose to any person who is not employed by the city council or other governing body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the city council or other governing body in the State of Nevada is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 117. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A town board or board of county commissioners shall not deny the application of a person for a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 269.173, an applicant for a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170 who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license, permit or certificate.

3. The town board or board of county commissioners shall not disclose to any person who is not employed by the town board or board of county commissioners the social security number or alternative personally

identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the town board or board of county commissioners is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 118. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall not deny the application of a person for certification as a peace officer pursuant to NRS 289.550 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 289.560, an applicant for certification as a peace officer who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for certification as a peace officer.

3. The Commission shall not disclose to any person who is not employed by the Commission the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Commission is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 119. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.650, inclusive, and section 118 of this act, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 120. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall not deny the application of a person for a certificate as an appraiser pursuant to NRS 361.221 based solely his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 361.2224, an applicant for a certificate as an appraiser who does not have a social security number must provide an alternative personally identifying number, including, without

limitation, his or her individual taxpayer identification number, when completing an application for a certificate as an appraiser.

3. The Department shall not disclose to any person who is not employed by the Department the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Department is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 121. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Library, Archives and Public Records Administrator shall not deny the application of a person for certification by the State Library, Archives and Public Records Administrator pursuant to the regulations adopted pursuant to NRS 379.0073 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 379.0077, an applicant for certification by the State Library, Archives and Public Records Administrator who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a certification.

3. The State Library, Archives and Public Records Administrator shall not disclose to any person who is not employed by the State Library, Archives and Public Records Administrator the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the State Library, Archives and Public Records Administrator is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 122. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction shall not deny the application of a person for a license as a teacher or educational personnel

pursuant to NRS 391.033 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 391.033, an applicant for a license as a teacher or educational personnel who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license as a teacher or educational personnel.

3. The Superintendent of Public Instruction shall not disclose to any person who is not employed by the Superintendent of Public Instruction the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Superintendent of Public Instruction is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 123. NRS 391.060 is hereby amended to read as follows:

~~391.060 1. [Except as otherwise provided in this section and NRS 391.070, it is unlawful for:~~

~~—(a) The Superintendent of Public Instruction to issue a license to, or a board of trustees of a school district or a governing body of a charter school to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.~~

~~—(b) The State Controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.~~

~~—2. Upon the request of a school district or the governing body of the charter school, as applicable, the Superintendent of Public Instruction may issue a license to a person who does not meet the requirements of subsection 1 but is otherwise entitled to work in the United States pursuant to federal laws and regulations if:~~

~~—(a) The school district or the governing body of the charter school, as applicable, has demonstrated to the satisfaction of the Superintendent of Public Instruction that:~~

~~—(1) A shortage of teachers exists; or~~

~~—(2) The school district or governing body of the charter school, as applicable, has not been able to employ a person possessing the skills,~~

~~experience or abilities of the person to be licensed and such skills, experience or abilities are needed to address an area of concern for the school district or charter school;~~

~~— (b) The person is otherwise qualified to teach, except that the person does not meet the requirements of subsection 1; and~~

~~— (c) The school district or governing body of the charter school, as applicable, agrees to employ the person.~~

~~3. If the employment of a person to whom a license is issued pursuant to subsection 2 is terminated, the school district or governing body of the charter school, as applicable, must notify the Superintendent of Public Instruction within 5 business days.~~

~~4. A license issued by the Superintendent of Public Instruction pursuant to subsection 2:~~

~~— (a) Automatically expires on the date that the licensee is no longer entitled to work in the United States pursuant to federal laws and regulations; and~~

~~— (b) Authorizes the person who holds the license to teach only in the:~~

~~— (1) School district or charter school that submitted the request for the issuance of the license to that person; and~~

~~— (2) Subject area for which the person is qualified.~~

~~5. Upon compliance with all applicable federal laws, ~~and~~ regulations ~~and internal policies or programs of a federal agency or department~~, the board of trustees of a school district or the governing body of a charter school may employ a person who ~~does not meet the requirements of subsection 1~~ has the legal right to work in the United States pursuant to any such federal law, regulation or internal policy or program of a federal agency or department if the person holds a license issued by the Superintendent of Public Instruction. ~~pursuant to subsection 2. A. If a teacher who has the legal right to work in the United States which expires on a certain date pursuant to any federal law, regulation or internal policy or program of a federal agency or department, the~~ teacher's employment with a school district or the governing body of a charter school, as applicable, ~~pursuant to this subsection~~ automatically expires on the date that he or she is no longer entitled to work in the United States pursuant to federal laws, ~~and~~ regulations ~~or internal policies or programs of a federal agency or department.~~~~

~~6. 2. The State Controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection ~~5. 1.~~~~

~~7. 3. Any person who violates any of the provisions of this section is guilty of a misdemeanor.~~

Sec. 124. NRS 391.080 is hereby amended to read as follows:

391.080 1. Each teacher or other licensed employee employed in this state whose compensation is payable out of public money, except teachers employed pursuant to the provisions of subsection ~~5. 1.~~ of NRS 391.060 or NRS 391.070, must take and subscribe to the constitutional oath of office before entering upon the discharge of his or her duties.

2. The oath of office, when taken and subscribed, must be filed with the Department.

3. The Superintendent of Public Instruction, the deputy superintendents and other members of the professional staff of the Department designated by the Superintendent, members of boards of trustees of school districts, superintendents of schools, principals of schools and notaries public may administer the oath of office to teachers and other licensed employees.

Sec. 125. Chapter 437 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall not deny the application of a person for a license as a behavior analyst or assistant behavior analyst, a certificate as a state certified behavior interventionist or registration as a behavior technician pursuant to NRS 437.200 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 437.210, an applicant for a license as a behavior analyst or assistant behavior analyst, a certificate as a state certified behavior interventionist or registration as a behavior technician who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license as a behavior analyst or assistant behavior analyst, a certificate as a state certified behavior interventionist or registration as a behavior technician.

3. The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 126. NRS 437.205 is hereby amended to read as follows:

437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:

(a) Is of good moral character as determined by the Division.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:

- (a) Is of good moral character as determined by the Division.
- (b) ~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~
- ~~(c)~~ Holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

3. Each application for certification as a state certified behavior interventionist must contain proof that the applicant meets the qualifications prescribed by regulation of the Board, which must be no less stringent than the requirements for registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

4. Each application for registration as a registered behavior technician must contain proof that the applicant is registered as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization. The Board shall not require any additional education or training for registration as a registered behavior technician.

5. Except as otherwise provided in NRS 437.215 and 437.220, within 120 days after receiving an application and the accompanying evidence from an applicant, the Division shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure, certification or registration; and
- (b) Issue a written statement to the applicant of its determination.

6. If the Division determines that the qualifications of the applicant are insufficient for licensure, certification or registration, the written statement issued to the applicant pursuant to subsection 5 must include a detailed explanation of the reasons for that determination.

Sec. 127. NRS 437.215 is hereby amended to read as follows:

437.215 1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

- (a) Proof satisfactory to the Division that the applicant:
 - (1) Satisfies the requirements of subsection 1;
 - (2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~—(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a behavior analyst; and

~~[(4)]~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 437.200;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Division pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

Sec. 128. NRS 437.220 is hereby amended to read as follows:

437.220 1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~—(3)~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a behavior analyst; and

~~((4))~~ (3) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 437.200;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Division pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Division to complete the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice as a behavior analyst in accordance with regulations adopted by the Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 129. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Motor Vehicles shall not deny the application of a person for a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles pursuant to the regulations adopted pursuant to NRS 445B.775 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 445B.776, an applicant for a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles.

3. The Department of Motor Vehicles shall not disclose to any person who is not employed by the Department of Motor Vehicles the social security number or alternative personally identifying number, including, without

limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Department of Motor Vehicles is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 130. NRS 445B.790 is hereby amended to read as follows:

445B.790 1. The Department of Motor Vehicles shall, by regulation, establish procedures for inspecting authorized inspection stations, authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, authorized station or fleet station to submit any material or document which is used in the program to control emissions from motor vehicles.

2. The Department may deny, suspend or revoke the license of an approved inspector, authorized inspection station, authorized station or fleet station if:

(a) The approved inspector or the holder of a license for an authorized inspection station, authorized station or fleet station is not complying with the provisions of NRS 445B.700 to 445B.815, inclusive, ~~and section 129 of this act.~~

(b) The holder of a license for an authorized inspection station, authorized station or fleet station refuses to furnish the Department with the requested material or document.

(c) The approved inspector has issued a fraudulent certificate of compliance, whether intentionally or negligently. A “fraudulent certificate” includes, but is not limited to:

(1) A backdated certificate;

(2) A postdated certificate; and

(3) A certificate issued without an inspection.

(d) The approved inspector does not follow the prescribed test procedure.

Sec. 131. 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 section 129 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 section 129 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.

Sec. 132. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall not deny the application of a person for a certificate to operate an intermediary service organization pursuant to NRS 449.4311 based solely on his or her immigration status.

2. Notwithstanding the provisions of NRS 449.4312, an applicant for a certificate to operate an intermediary service organization who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a certificate to operate an intermediary service organization.

3. The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 133. NRS 449.4304 is hereby amended to read as follows:

449.4304 As used in NRS 449.4304 to 449.4339, inclusive, **and section 132 of this act,** unless the context otherwise requires, “intermediary service organization” means a nongovernmental entity that provides services authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 134. NRS 449.431 is hereby amended to read as follows:

449.431 1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate to operate an intermediary service organization as provided in NRS 449.4304 to 449.4339, inclusive, ~~§~~, **and section 132 of this act.**

2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 135. NRS 449.4321 is hereby amended to read as follows:

449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of NRS 449.4304 to 449.4339, inclusive, **and section 132 of this act** upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, **and section 132 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 136. NRS 449.4335 is hereby amended to read as follows:

449.4335 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449.4304 to 449.4339, inclusive, **and section 132 of this act** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449.4308 until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

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

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

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

3. The Division may require any intermediary service organization that violates any provision of NRS 449.4304 to 449.4339, inclusive, **and section 132 of this act** or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of

the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 137. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 449.4304 to 449.4339, inclusive, ~~and~~, **and section 132 of this act:**

(a) Without first obtaining a certificate to operate an intermediary service organization; or

(b) After the person's certificate has been revoked or suspended by the Division.

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

Sec. 138. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The health authority shall not deny the application of a person for a license or certificate pursuant to NRS 450B.160 or 450B.180 based solely on his or her immigration status.

2. Notwithstanding the provisions of NRS 450B.187, an applicant for a license or certificate pursuant to NRS 450B.160 or 450B.180 who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application.

3. The health authority shall not disclose to any person who is not employed by the health authority the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the health authority is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 139. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2019, for all other purposes.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 197.

AN ACT relating to powers of attorney; defining the term “nondurable” for certain purposes relating to powers of attorney; revising provisions relating to powers of attorney for certain financial matters and health care; revising provisions relating to the Nevada Lockbox; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the Uniform Power of Attorney Act which authorizes a person to grant authority to an agent to act for the person in certain matters relating to financial decisions. (NRS 162A.200-162A.660) Existing law also sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.865) Existing law provides that “durable” means a power of attorney is not terminated by the incapacity of a principal. (NRS 162A.040) Additionally, existing law sets forth the circumstances under which a guardian may be appointed after a power of attorney has been executed. (NRS 162A.250, 162A.800)

Section 1 of this bill defines the term “nondurable” as a power of attorney that terminates upon the incapacity of a principal. Section 2.5 of this bill revises the term “incapacity” to provide that such incapacity must be judicially determined. Sections 3 and 4 of this bill set forth the circumstances under which a guardian is appointed after the proper execution of a: (1) durable power of attorney for both financial matters and health care; and (2) nondurable power of attorney for both financial matters and health care.

Existing law establishes provisions relating to the Nevada Lockbox, which is a registry authorized to be established and maintained on the Secretary of State’s Internet website in which a person may register a will or certain other documents. (NRS 225.300-225.440) Existing law specifically provides a form for a power of attorney for health care. (NRS 162A.860) Section 5 of this bill revises the form by informing the principal that ~~they~~ the principal may request a power of attorney for health care be electronically stored in the Nevada Lockbox ~~and that the Secretary of State provide a copy to any health care provider.~~ to allow access by authorized providers of health care. Section 5 also provides additional desires specific to possible health care decisions.

Section 7 of this bill provides that a durable power of attorney for health care, executed pursuant to existing law, constitutes a valid declaration governing the withholding or withdrawal of life-sustaining treatment.

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

Section 1. Chapter 162A of NRS is hereby amended by adding thereto a new section to read as follows:

“Nondurable,” with respect to a power of attorney, means terminated by the principal’s incapacity.

Sec. 2. NRS 162A.010 is hereby amended to read as follows:

162A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 162A.020 to 162A.160, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 162A.070 is hereby amended to read as follows:

162A.070 “Incapacity” means the judicially determined inability of an individual to manage property or business affairs because the individual:

1. Has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or

2. Is:

- (a) Missing;
- (b) Detained, including incarcerated in a penal system; or
- (c) Outside the United States and unable to return.

Sec. 3. NRS 162A.250 is hereby amended to read as follows:

162A.250 1. In a power of attorney, a principal may nominate a guardian of the principal’s estate for consideration by the court if guardianship proceedings for the principal’s estate or person are begun after the principal executes the power of attorney.

2. If, after a principal **properly** executes a **nondurable** power of attorney ~~†~~ **pursuant to NRS 162A.220**, a court appoints a guardian of the principal’s estate, the **nondurable** power of attorney is terminated. ~~†, unless the~~

3. ***If, after a principal properly executes a durable power of attorney pursuant to NRS 162A.220, a court appoints a guardian of the principal’s estate, the durable power of attorney is suspended and the agent’s authority is not exercisable unless the ~~[durable power of attorney is terminated pursuant to NRS 162A.270 or a] court orders the [discharge of the duties of the guardian] termination of the guardianship, and the power of attorney has not otherwise been terminated pursuant to NRS 162A.270. Upon the court ordering such a ~~[discharge] termination of the guardianship,~~ the durable power of attorney is effective and no longer suspended pursuant to this subsection and the agent’s authority is exercisable.~~***

4. ***Except as otherwise provided in subsection 3, the court ~~[allows] may issue an order allowing~~ the agent to retain specific powers conferred by the power of attorney. In the event the court allows the agent to retain specific powers, the agent shall file an accounting with the court and the guardian on a quarterly basis or such other period as the court may designate.***

Sec. 4. NRS 162A.800 is hereby amended to read as follows:

162A.800 1. In a power of attorney for health care, a principal may nominate a guardian of the principal’s person for consideration by the court if

guardianship proceedings for the principal's person are begun after the principal executes the power of attorney.

2. If, after a principal *properly* executes a *nondurable* power of attorney for health care ~~+~~ *pursuant to NRS 162A.790*, a court appoints a guardian of the principal's person, the *nondurable* power of attorney is terminated. The guardian shall follow any provisions contained in the *nondurable* power of attorney for health care delineating the principal's wishes for medical and end-of-life care.

3. *If, after a principal properly executes a durable power of attorney for health care pursuant to NRS 162A.790, a court appoints a guardian of the principal's person, the durable power of attorney for health care is suspended and the agent's authority is not exercisable unless the ~~durable power of attorney for health care is terminated pursuant to NRS 162A.820 or a~~ court orders the ~~discharge of the duties of the guardian~~ termination of the guardianship, and the power of attorney has not otherwise been terminated pursuant to NRS 162A.270. Upon the court ordering such a ~~discharge,~~ termination of the guardianship, the durable power of attorney for health care is effective and no longer suspended pursuant to this subsection and the agent's authority is exercisable.*

Sec. 5. NRS 162A.860 is hereby amended to read as follows:

162A.860 Except as otherwise provided in NRS 162A.865, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS

STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

11. YOU MAY REQUEST THAT THE NEVADA SECRETARY OF STATE ELECTRONICALLY STORE WITH THE NEVADA

LOCKBOX A COPY OF THIS DOCUMENT ~~[AND PROVIDE A COPY TO ANY]~~ ALLOW ACCESS BY AN AUTHORIZED PROVIDER OF HEALTH CARE AS DEFINED IN NRS 629.031.

1. DESIGNATION OF HEALTH CARE AGENT.

I,
(insert your name) do hereby designate and appoint:

Name:
Address:
Telephone Number:

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are

any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....
.....
.....
.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures.

[.....]

2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. ~~{(Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.)}~~ [.....]

3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. ~~{(Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.)}~~ [.....]

4. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld. [.....]

5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....]

6. If I have an incurable or terminal condition, including late stage dementia, or illness ~~[, or late stage dementia]~~ and no reasonable hope of long-term recovery or survival, I desire my attending physician to administer any medication to alleviate suffering without regard that the medication is likely to cause addiction or reduce the extension of my life. [.....]

(If you wish to change your answer, you may do so by drawing an “X” through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:

.....

.....
.....
.....

7. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name:
Address:
Telephone Number:

B. Second Alternative Agent

Name:
Address:
Telephone Number:

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

9. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

10. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

11. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: Residence Address:
Print Name:
Date:

Signature: Residence Address:
Print Name:
Date:

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature:

Signature:

Names: Address:.....
Print Name:
Date:

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care. ***This includes requesting the Nevada Secretary of State to electronically store this document with***

~~the Nevada Lockbox [so a copy may be given to you]~~ **to allow access by authorized providers of health care.**

Sec. 6. NRS 225.330 is hereby amended to read as follows:

225.330 “Other document” means a document registered with the Secretary of State pursuant to NRS 225.370 and may include, without limitation, a passport, a birth certificate, a marriage license, ~~or~~ a form requesting to nominate a guardian that is executed in accordance with NRS 159.0753 ~~or a power of attorney for health care that is properly executed pursuant to NRS 162A.790.~~

Sec. 7. NRS 449A.433 is hereby amended to read as follows:

449A.433 1. A person of sound mind and 18 or more years of age may execute at any time a declaration governing the withholding or withdrawal of life-sustaining treatment. The declarant may designate another natural person of sound mind and 18 or more years of age to make decisions governing the withholding or withdrawal of life-sustaining treatment. The declaration must be signed by the declarant, or another at the declarant’s direction, and attested by two witnesses.

2. A physician or other provider of health care who is furnished a copy of the declaration shall make it a part of the declarant’s medical record and, if unwilling to comply with the declaration, promptly so advise the declarant and any person designated to act for the declarant.

3. ***A durable power of attorney for health care properly executed pursuant to NRS 162A.790 regarding the withholding or withdrawal of life-sustaining treatment constitutes for the purposes of NRS 449A.400 to 449A.481, inclusive, a properly executed declaration pursuant to this section.***

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 300.

Bill read second time.

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

Amendment No. 235.

AN ACT relating to veterans; providing for the **optional** collection and reporting of certain information relating to the health of veterans; providing for outreach and continuing education concerning certain issues relating to the health of veterans; requiring the statewide information and referral system to provide nonemergency information and referrals to the general public to include information concerning service-connected disabilities and diseases; ~~authorizing professional discipline for willful failure to comply with requirements concerning the collection of information;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Veterans Services to assist veterans and their family members in obtaining benefits and to disseminate information relating to veterans' benefits. (NRS 417.090) **Section 5** of this bill requires the Director to: (1) prescribe a questionnaire for veterans concerning their experience in the military and any service-connected disabilities and diseases; and (2) annually submit the information obtained through the questionnaire to the Division of Public and Behavioral Health of the Department of Health and Human Services. **Section 6** of this bill requires the Director to conduct public outreach programs to provide information and raise public awareness concerning service-connected disabilities and diseases and survivor benefits available to family members of veterans. **Section 6** also requires the Director to collaborate with certain nonprofit organizations to identify veterans and descendants of veterans who have service-connected diseases and refer such persons for appropriate services. **Section 7** of this bill requires the Director to: (1) collaborate with the United States Department of Veterans Affairs when carrying out the provisions of this bill; and (2) submit to the **Department of Health and Human Services, the** Governor and the Legislature an annual report concerning the measures taken by the Director to carry out the provisions of this bill.

Existing law requires the Department of Health and Human Services 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. (NRS 232.359) **Section 8** of this bill requires that system to include information concerning service-connected disabilities and diseases.

Section 9 of this bill requires the Division of Public and Behavioral Health to ~~establish~~ **provide** free continuing education courses **or information** concerning issues related to the health of veterans, including service-connected disabilities and diseases, ~~for~~ **to** providers of health care and certain other persons. **Section 9** also requires the Division to compile and submit to the Governor, the Department of Veterans Services and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs an annual report on the health of veterans in this State.

Sections 10-12, 14-16, 18 and 20 of this bill ~~require~~ **authorize** certain providers of health care to ~~ask~~ **ask** each new patient or client who is over 18 years of age if he or she is a veteran ~~and report to their licensing boards the number of patients who stated that they are veterans. Sections 10-12, 14-16, 18 and 20 require the licensing boards that receive such information to submit to the Division of Public and Behavioral Health an annual summary of the information. Sections 13, 17, 19 and 21 of this bill authorize the imposition of professional discipline against an osteopathic physician or physician assistant, marriage and family therapist, clinical professional counselor, clinical social worker, alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor who~~

~~willfully fails to comply with the requirements of this bill. Such professional discipline is also authorized against other providers of health care who willfully fail to comply with that requirement. (NRS 630.3065, 632.347, 634.018, 641.230);~~ **and (2) if the patient or client indicates that he or she is a veteran, provide the patient or client with the contact information for the Department of Veterans Services. Sections 10-12 and 14 additionally authorize professional licensing boards that license physicians, physician assistants, osteopathic physicians, advanced practice registered nurses and chiropractors to ask applicants for the renewal of a license whether the applicant inquires into the veteran status of patients.**

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

Section 1. Chapter 417 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 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Provider of health care” means a physician, physician assistant, advanced practice registered nurse, osteopathic physician, chiropractor, psychologist, marriage and family therapist, clinical professional counselor, clinical social worker, alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor.*

Sec. 4. *“Veteran” means a person who:*

1. Was regularly enlisted, drafted, inducted or commissioned in the:

(a) Armed Forces of the United States;

(b) National Guard or a reserve component of the Armed Forces of the United States; or

(c) 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

2. Was separated from such service under conditions other than dishonorable.

Sec. 5. 1. *The Director shall develop and post on an Internet website maintained by the Department a questionnaire to be given to veterans who contact the Department using information provided by providers of health care pursuant to sections 10, 11, 12, 14, 15, 16, 18 and 20 of this act. The questionnaire must be designed to obtain information concerning:*

(a) The veteran’s experience in the military, including, without limitation, the branch of the military in which the veteran served, the veteran’s job while in the military, any battle, conflict or war in which the veteran served and the locations where the veteran was stationed;

(b) Any service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive, from which the veteran may suffer; and

(c) Whether the veteran is enrolled with and receiving benefits from the United States Department of Veterans Affairs.

2. On or before January 31 of each year, the Director shall submit the information obtained pursuant to this section to the Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 6. 1. The Director shall conduct public outreach programs which ~~may~~ must include, without limitation, posting information concerning the topics described in this subsection on an Internet website maintained by the Director. The programs may also include, without limitation, public service announcements and the distribution of brochures and other media for display in the offices of persons who provide services to veterans and the families of veterans. ~~Such~~ The programs must be designed to provide information and raise public awareness concerning:

(a) Service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive; and

(b) Survivor benefits available to family members of veterans.

2. The Director shall collaborate with nonprofit organizations that provide services to veterans and their families, including, without limitation, the American Heart Association or its successor organization, the American Lung Association or its successor organization and the Leukemia and Lymphoma Society or its successor organization, to:

(a) Identify veterans and the children and grandchildren of veterans who have service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive; and

(b) Refer any such persons to appropriate services offered by the United States Department of Veterans Affairs.

Sec. 7. The Director shall:

1. Collaborate with the United States Department of Veterans Affairs to carry out the duties prescribed by sections 5 and 6 of this act.

2. On or before January 31 of each year, submit to the Director of the Department of Health and Human Services, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report that includes, without limitation:

(a) A description of the actions taken during the immediately preceding year pursuant to section 6 of this act and an evaluation of the effectiveness of those actions; and

(b) A summary of any referrals made pursuant to subsection 2 of section 6 of this act during the immediately preceding year.

Sec. 8. 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 information that is updated periodically ~~††~~; *and*

(e) Include information concerning service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive.

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

1. The Division shall, in collaboration with the United States Department of Veterans Affairs ~~and the Department of Veterans Services~~

(a) Establish continuing education courses concerning the health of veterans and make those courses available at no cost to providers of health care ~~as defined in section 3 of this act,~~ and any person who provides services related to the health or welfare of veterans and family members of veterans ~~;~~

(b) Provide information concerning the health of veterans to providers of health care and any person who provides services related to the health or welfare of veterans and family members of veterans.

2. Continuing education courses established pursuant to subsection 1 or information provided pursuant to that subsection must include, without limitation, information concerning service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344, inclusive.

3. On or before April 1 of each year, the Division shall:

(a) Compile a report concerning the health of veterans in this State. The report must include, without limitation:

(1) Information concerning trends in cancers, other illnesses and deaths related to service-connected disabilities and diseases, including, without limitation, diseases presumed to be service-connected pursuant to 38 C.F.R. §§ 3.303 to 3.344; and

(2) A summary of the information submitted to the Division pursuant to ~~sections~~ section 5 ~~, 10, 11, 12, 14, 15, 16, 18 and 20~~ of this act.

(b) Submit the report to the Governor, the Department of Veterans Services and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by NRS 218E.750.

4. As used in this section, "provider of health care" has the meaning ascribed to it in section 3 of this act.

Sec. 10. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, a]~~ A physician or physician assistant shall may:

(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the medical record of the patient; and

(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran. ~~[; and~~

~~(c) Maintain a record of compliance with the provisions of this section.]~~

2. ~~[A physician or physician assistant is not required to perform the duties prescribed by subsection 1 if, after reviewing the medical record of a new patient, the physician or physician assistant determines that the patient is not a veteran.~~

~~3. A physician shall include with each application for biennial registration pursuant to NRS 630.267 and a physician assistant shall include in each application for the renewal of his or her license a statement of:~~

~~(a) The total number of patients served by the physician or physician assistant during each of the immediately preceding 2 years; and~~

~~(b) The number of those patients who reported pursuant to subsection 1 that they are veterans.~~

~~4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~5.] The Board may ask each applicant for the renewal of a license as a physician assistant or a biennial registration pursuant to NRS 630.267 if the applicant performs the actions described in subsection 1. If such a question is asked, the Board must allow the applicant to refuse to answer.~~

3. As used in this section, “veteran” has the meaning ascribed to it in section 4 of this act.

Sec. 11. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, an]~~ An advanced practice registered nurse shall may:

(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the medical record of the patient; and

(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran. ~~[; and~~

~~(c) Maintain a record of compliance with the provisions of this section.]~~

2. ~~[An advanced practice registered nurse is not required to perform the duties prescribed by subsection 1 if, after reviewing the medical record of a new patient, the advanced practice registered nurse determines that the patient is not a veteran.~~

~~3. An advanced practice registered nurse shall include in each application for the renewal of his or her license a statement of:~~

~~—(a) The total number of patients served by the advanced practice registered nurse during each of the immediately preceding 2 years; and~~

~~—(b) The number of those patients who reported pursuant to subsection 1 that they are veterans.~~

~~—4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~—5. The Board may ask each applicant for the renewal of a license as an advanced practice registered nurse if the applicant performs the actions described in subsection 1. If such a question is asked, the Board must allow the applicant to refuse to answer.~~

~~—3. As used in this section, “veteran” has the meaning ascribed to it in section 4 of this act.~~

Sec. 12. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, an]~~ An osteopathic physician or physician assistant [shall:] may:

(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the medical record of the patient; and

(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran. ~~], and~~

~~—(c) Maintain a record of compliance with the provisions of this section.]~~

2. ~~[An osteopathic physician or physician assistant is not required to perform the duties prescribed by subsection 1 if, after reviewing the medical record of a new patient, the osteopathic physician or physician assistant determines that the patient is not a veteran.~~

~~—3. An osteopathic physician or physician assistant shall include with each application for the renewal of his or her license a statement of:~~

~~—(a) The total number of patients served by the osteopathic physician or physician assistant during the immediately preceding year; and~~

~~—(b) The number of those patients who reported pursuant to subsection 1 that they are veterans.~~

~~—4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~—5.] The Board may ask each applicant for the renewal of a license as an osteopathic physician or physician assistant if the applicant performs the actions described in subsection 1. If such a question is asked, the Board must allow the applicant to refuse to answer.~~

~~—3. As used in this section, “veteran” has the meaning ascribed to it in section 4 of this act.~~

Sec. 13. ~~NRS 633.511 is hereby amended to read as follows:~~

~~633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:~~

~~(a) Unprofessional conduct.~~

~~(b) Conviction of:~~

~~(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;~~

~~(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;~~

~~(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;~~

~~(4) Murder, voluntary manslaughter or mayhem;~~

~~(5) Any felony involving the use of a firearm or other deadly weapon;~~

~~(6) Assault with intent to kill or to commit sexual assault or mayhem;~~

~~(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;~~

~~(8) Abuse or neglect of a child or contributory delinquency; or~~

~~(9) Any offense involving moral turpitude.~~

~~(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.~~

~~(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.~~

~~(e) Professional incompetence.~~

~~(f) Failure to comply with the requirements of NRS 633.527.~~

~~(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.~~

~~(h) Failure to comply with the provisions of NRS 633.604.~~

~~(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~(1) The license of the facility is suspended or revoked; or~~

~~(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~* This paragraph applies to an owner or other principal responsible for the operation of the facility.~~

~~(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.~~

~~(k) Signing a blank prescription form.~~

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

~~(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~—(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328;~~

~~—(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS; or~~

~~—(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.~~

~~—(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.~~

~~—(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.~~

~~—(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.~~

~~—(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.~~

~~—(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.~~

~~—(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.~~

~~—(s) Failure to comply with the provisions of NRS 629.515.~~

~~—(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.~~

~~—(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.~~

~~—(v) Failure to comply with the provisions of NRS 633.6955.~~

~~—(w) Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.~~

~~—(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.~~

~~—(y) Failure to comply with the provisions of NRS 454.217 or 629.086.~~

~~—(z) *Willful failure to comply with the provisions of section 12 of this act.*~~

~~—2— As used in this section, “investigational drug or biological product” has the meaning ascribed to it in NRS 454.351. **(Deleted by amendment.)**~~

Sec. 14. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1. [Except as otherwise provided in subsection 2, a] A chiropractor shall may:~~

(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the record of the patient; and

(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran. ~~]; and~~

~~(c) Maintain a record of compliance with the provisions of this section.]~~

2. ~~2. [A chiropractor is not required to perform the duties prescribed by subsection 1 if, after reviewing the record of a new patient, the chiropractor determines that the patient is not a veteran.~~

~~3. A chiropractor shall include with each application for the renewal of his or her license a statement of:~~

~~(a) The total number of patients served by the chiropractor during each of the immediately preceding 2 years; and~~

~~(b) The number of those patients who reported pursuant to subsection 1 that they are veterans.~~

~~4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~5.] The Board may ask each applicant for the renewal of a license as a chiropractor if the applicant performs the actions described in subsection 1. If such a question is asked, the Board must allow the applicant to refuse to answer~~

3. As used in this section, “veteran” has the meaning ascribed to it in section 4 of this act.

Sec. 15. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1. [Except as otherwise provided in subsection 2, a] A psychologist shall may:~~

(a) Ask each new patient who is 18 years of age or older if he or she is a veteran and document the response in the record of the patient; and

(b) Provide the contact information for the Department of Veterans Services to any such patient who indicates that he or she is a veteran. ~~]; and~~

~~(c) Maintain a record of compliance with the provisions of this section.~~

~~2. A psychologist is not required to perform the duties prescribed by subsection 1 if, after reviewing the record of a new patient, the psychologist determines that the patient is not a veteran.~~

~~3. A psychologist shall include with each application for the renewal of his or her license a statement of:~~

~~(a) The total number of patients served by the psychologist during each of the immediately preceding 2 years; and~~

~~(b) The number of those patients who reported pursuant to subsection 1 that they are veterans.~~

~~4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~5.] As used in this section, "veteran" has the meaning ascribed to it in section 4 of this act.~~

Sec. 16. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, a]~~ A marriage and family therapist or clinical professional counselor [shall:] may:

(a) Ask each new client who is 18 years of age or older if he or she is a veteran and document the response in the record of the client; and

(b) Provide the contact information for the Department of Veterans Services to any such client who indicates that he or she is a veteran. ~~] and~~

~~(c) Maintain a record of compliance with the provisions of this section.]~~

2. ~~[A marriage and family therapist or clinical professional counselor is not required to perform the duties prescribed by subsection 1 if, after reviewing the record of a new client, the marriage and family therapist or clinical professional counselor determines that the client is not a veteran.~~

~~3. A marriage and family therapist or clinical professional counselor shall include with each application for the renewal of his or her license a statement of:~~

~~(a) The total number of clients served by the marriage and family therapist or clinical professional counselor during the immediately preceding year; and~~

~~(b) The number of those clients who reported pursuant to subsection 1 that they are veterans.~~

~~4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~5.] As used in this section, "veteran" has the meaning ascribed to it in section 4 of this act.~~

Sec. 17. ~~[NRS 641A.310 is hereby amended to read as follows:~~

~~641A.310 The Board may refuse to grant a license or may suspend or revoke a license for any of the following reasons:~~

~~1. Conviction of a felony relating to the practice of marriage and family therapy or clinical professional counseling or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.~~

~~2. Habitual drunkenness or addiction to the use of a controlled substance.~~

~~3. Impersonating a licensed marriage and family therapist, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern or allowing another person to use his or her license.~~

- ~~4. Using fraud or deception in applying for a license or in passing the examination provided for in this chapter.~~
- ~~5. Rendering or offering to render services outside the area of his or her training, experience or competence.~~
- ~~6. Committing unethical practices contrary to the interest of the public as determined by the Board.~~
- ~~7. Unprofessional conduct as determined by the Board.~~
- ~~8. Negligence, fraud or deception in connection with services he or she is licensed to provide pursuant to this chapter.~~
- ~~9. *Willful failure to comply with the requirements of section 16 of this act.*~~
- ~~10. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

 - ~~(a) The license of the facility is suspended or revoked; or~~
 - ~~(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~~~

~~This subsection applies to an owner or other principal responsible for the operation of the facility. (Deleted by amendment.)~~

Sec. 18. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, a]~~ A clinical social worker ~~[shall]~~ may:

(a) Ask each new client who is 18 years of age or older if he or she is a veteran and document the response in the record of the client; and

(b) Provide the contact information for the Department of Veterans Services to any such client who indicates that he or she is a veteran. ~~[and~~

~~(c) Maintain a record of compliance with the provisions of this section.]~~

2. ~~[A clinical social worker is not required to perform the duties prescribed by subsection 1 if, after reviewing the record of a new client, the clinical social worker determines that the client is not a veteran.~~

~~3. A clinical social worker shall include with each application for the renewal of his or her license a statement of:~~

~~(a) The total number of clients served by the clinical social worker during the immediately preceding year; and~~

~~(b) The number of those clients who reported pursuant to subsection 1 that they are veterans.~~

~~4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~5.] As used in this section, "veteran" has the meaning ascribed to it in section 4 of this act.~~

Sec. 19. ~~[NRS 641B.400 is hereby amended to read as follows:~~

~~641B.400 The grounds for initiating disciplinary action pursuant to this chapter are:~~

- ~~1. Unprofessional conduct;~~
 - ~~2. Conviction of:

 - ~~(a) A felony relating to the practice of social work;~~
 - ~~(b) Any offense involving moral turpitude; or~~
 - ~~(c) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or dangerous drug as defined in chapter 454 of NRS;~~~~
 - ~~3. Use of fraud or deception in:

 - ~~(a) Applying for a license;~~
 - ~~(b) Undergoing the initial licensing examination; or~~
 - ~~(c) Rendering services as a social worker;~~~~
 - ~~4. Allowing unauthorized use of a license issued pursuant to this chapter;~~
 - ~~5. Professional incompetence;~~
 - ~~6. Practicing social work without a license;~~
 - ~~7. The habitual use of alcohol or any controlled substance which impairs the ability to practice social work; [and]~~
 - ~~8. Willful failure to comply with the requirements of section 18 of this act; and~~
 - ~~9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

 - ~~(a) The license of the facility is suspended or revoked; or~~
 - ~~(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~~~
- ~~This subsection applies to an owner or other principal responsible for the operation of the facility.] (Deleted by amendment.)~~

Sec. 20. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection 2, an~~ An alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor ~~shall~~ may:

(a) Ask each new client who is 18 years of age or older if he or she is a veteran and document the response in the record of the client; and

(b) Provide the contact information for the Department of Veterans Services to any such client who indicates that he or she is a veteran. ~~]; and~~

~~(c) Maintain a record of compliance with the provisions of this section.]~~

2. ~~[An alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor is not required to perform the duties prescribed by subsection 1 if, after reviewing the record of a new client, the alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor determines that the client is not a veteran.~~

~~3. An alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor shall include with each application for the renewal of his or her license a statement of:~~

~~—(a) The total number of clients served by the alcohol and drug abuse counselor, clinical alcohol and drug abuse counselor or problem gambling counselor during the immediately preceding year; and~~

~~—(b) The number of those clients who reported pursuant to subsection 1 that they are veterans.~~

~~—4. On or before January 31 of each year, the Board shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services a summary of the information submitted pursuant to subsection 3 during the immediately preceding year.~~

~~—5.7 As used in this section, “veteran” has the meaning ascribed to it in section 4 of this act.~~

Sec. 21. ~~¶~~NRS 641C.700 is hereby amended to read as follows:

~~—641C.700 The grounds for initiating disciplinary action pursuant to the provisions of this chapter include:~~

~~—1. Conviction of:~~

~~—(a) A felony relating to the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers;~~

~~—(b) An offense involving moral turpitude; or~~

~~—(c) A violation of a federal or state law regulating the possession, distribution or use of a controlled substance or dangerous drug as defined in chapter 453 of NRS;~~

~~—2. Fraud or deception in:~~

~~—(a) Applying for a license or certificate;~~

~~—(b) Taking an examination for a license or certificate;~~

~~—(c) Documenting the continuing education required to renew or reinstate a license or certificate;~~

~~—(d) Submitting a claim for payment to an insurer; or~~

~~—(e) The practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;~~

~~—3. Allowing the unauthorized use of a license or certificate issued pursuant to this chapter;~~

~~—4. Professional incompetence;~~

~~—5. The habitual use of alcohol or any other drug that impairs the ability of a licensed or certified counselor or certified intern to engage in the practice of counseling alcohol and drug abusers or the clinical practice of counseling alcohol and drug abusers;~~

~~—6. Engaging in the practice of counseling alcohol and drug abusers, the practice of counseling problem gamblers or the clinical practice of counseling alcohol and drug abusers with an inactive, expired, suspended or revoked license or certificate;~~

~~—7. Engaging in behavior that is contrary to the ethical standards as set forth in the regulations of the Board; [and]~~

~~—8. Willful failure to comply with the requirements of section 20 of this act; and~~

~~9. The operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

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

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

~~→ This subsection applies to an owner or other principal responsible for the operation of the facility. (Deleted by amendment.)~~

Sec. 22. 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. 23. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

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

Amendment No. 611.

~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN WHEELER AND YEAGER**

SUMMARY—~~[Provides for the regulation of]~~ **Revises provisions relating to kratom products. (BDR ~~[40-1055]~~, 52-1055)**

AN ACT relating to public health; ~~requiring the State Board of Pharmacy to regulate the production, sale, distribution and advertisement of certain kratom products;~~ prohibiting the sale of certain kratom products to a minor; prohibiting the preparation, distribution, advertising or sale of certain adulterated kratom products; **prohibiting the sale of a kratom product that does not have a label that contains certain information;** providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 3 of this bill requires the State Board of Pharmacy to adopt regulations governing the production, sale, distribution and advertising of kratom products. Section 2 of this bill defines a "kratom product."]~~

Section 4 of this bill prohibits: (1) a person from knowingly selling or offering to sell kratom products to a child who is less than 18 years of age; ~~and~~ (2) the sale of certain adulterated kratom products ~~;~~ **; and (3) the sale of a kratom product that does not include a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.** Section 4 also establishes a civil penalty ~~[and a fine]~~ **of \$1,000** for violating those provisions. ~~[of \$1,000 respectively.]~~

Section 2 of this bill defines a "kratom product."

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

Section 1. Chapter ~~454~~ 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~3~~ and 4 of this act.

Sec. 2. *As used in sections 2, ~~3~~ and 4 of this act, “kratom product” means any ~~food~~ product or ~~dietary~~ ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant, ~~if the plant contains the alkaloid mitragynine, regardless of whether the product or ingredient is labeled or sold for human consumption.~~*

Sec. 3. ~~“The Board shall adopt regulations governing the production, sale, distribution and advertising of kratom products. The regulations shall include, without limitation, requirements for the labeling of any kratom product sold in the State.” (Deleted by amendment.)~~

Sec. 4. 1. ~~“It is unlawful for a”~~ A person ~~to~~ shall not knowingly sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. ~~“Except as otherwise provided in this subsection, it is unlawful for a”~~ A person ~~to~~ shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that is adulterated with a substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer. A person has not violated the provisions of this subsection if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.

3. ~~“A person who violates this section shall be punished by a fine of not more than \$1,000 and”~~ shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.

4. A person who violates any provision of this section is subject to a civil penalty of not more than \$1,000 ~~for~~ for each violation.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 626.

AN ACT relating to administrative regulations; requiring the Legislative Counsel to create a system for monitoring the progress of an agency in adopting certain permanent regulations; revising provisions relating to the Register of Administrative Regulations; requiring the summary of certain legislative measures to include information concerning whether the legislative measure grants rulemaking authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Legislative Counsel to create a system for monitoring the progress of an agency in adopting any permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature. **Section 1 requires this system to include, without limitation, a requirement for an agency to submit: (1) a plan to the Legislative Commission for the adoption of the permanent regulation; and (2) a periodic report to the Legislative Counsel explaining the progress of the agency in adopting the permanent regulation.** **Section 1** also requires the Legislative Counsel to compile information received pursuant to the system and report to the Legislative Commission upon request the progress of any agency in adopting a permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature.

Existing law requires the Legislative Counsel to prepare and publish a Register of Administrative Regulations which must include certain information regarding each permanent regulation adopted by an agency. (NRS 233B.0653) **Section 2** of this bill requires the Register of Administrative Regulations to include information compiled by the Legislative Counsel pursuant to the system created pursuant to **section 1**.

Existing law requires the Legislative Counsel to make available for access on the Internet the information contained in the Register of Administrative Regulations. (NRS 233B.0656) Section 2.5 of this bill requires this information to be made available for access in a searchable, standardized database.

Existing law requires the summary of each bill or joint resolution introduced in the Legislature to include certain information concerning fiscal effect and appropriations. (NRS 218D.415) Section 2.7 similarly requires the summary of each bill or joint resolution introduced in the Legislature to include information concerning whether the legislative measure grants rulemaking authority.

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

Section 1. Chapter 233B of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislative Counsel shall:

1. Create a system for monitoring the progress of an agency in adopting any permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature. Such system ~~may~~ must include, without limitation, a requirement for an agency to submit ~~to~~:

(a) A plan for the adoption of such a regulation to the Legislative Commission on or before October 31 of the year in which the legislative measure requiring the adoption of the regulation was enacted by the Legislature; and

(b) A periodic report to the Legislative Counsel explaining the progress of the agency in adopting the permanent regulation.

2. Compile information received pursuant to the system created pursuant to subsection 1 for inclusion on the Register of Administrative Regulations created pursuant to NRS 233B.0653.

3. Report to the Legislative Commission upon request the progress of any agency in adopting a permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature.

Sec. 2. NRS 233B.0653 is hereby amended to read as follows:

233B.0653 1. The Legislative Counsel shall prepare and publish or cause to be prepared and published a Register of Administrative Regulations. The Register must include the following information regarding each permanent regulation adopted by an agency:

- (a) The proposed and adopted text of the regulation and any revised version of the regulation;
- (b) The notice of intent to act upon the regulation set forth in NRS 233B.0603;
- (c) The written notice of adoption of the regulation required pursuant to NRS 233B.064;
- (d) The informational statement required pursuant to NRS 233B.066; and
- (e) The effective date of the regulation, as determined pursuant to NRS 233B.070.

↪ In carrying out the duties set forth in this subsection, the Legislative Counsel may use the services of the State Printing Office.

2. In addition to the information required pursuant to subsection 1, the Register must include information compiled pursuant to section 1 of this act.

3. The Legislative Counsel shall publish the Register not less than 10 times per year but not more than once every 2 weeks.

~~4-1~~ ***4. The Register must be provided to and maintained by:***

- (a) The Secretary of State;
- (b) The Attorney General;
- (c) The Supreme Court Law Library;
- (d) The State Library, Archives and Public Records;
- (e) Each county clerk;
- (f) Each county library; and
- (g) The Legislative Counsel Bureau.

~~4-1~~ ***5. The Legislative Counsel may sell an additional copy of the Register to any person or governmental entity that requests a copy, at a price which does not exceed the cost of publishing the additional copy.***

~~5-1~~ ***6. The Legislative Counsel is immune from civil liability which may result from failure to include any information in the Register.***

Sec. 2.5. NRS 233B.0656 is hereby amended to read as follows:

233B.0656 1. The Legislative Counsel shall, without charge, make available for access ***in a searchable, standardized database*** on the Internet or its successor, if any, the information contained in the Register of

Administrative Regulations created pursuant to NRS 233B.0653. The Legislative Counsel may determine the manner in which this information is compiled and must revise the information at least as often as the Register is published pursuant to NRS 233B.0653.

2. This section must not be construed to require the Legislative Counsel to provide any equipment or service that would enable a person to access the Internet.

Sec. 2.7. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

The summary of each bill or joint resolution introduced in the Legislature must include the statement:

“Grants rulemaking authority: Yes,” or

“Grants rulemaking authority: No,”

↪ whichever is appropriate.

Sec. 3. 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. 4. This act becomes effective on July 1, 2019.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 335.

Bill read second time.

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

Amendment No. 420.

~~ASSEMBLYWOMAN~~ **ASSEMBLYMEN JAUREGUI; AND HAFEN**

AN ACT relating to real property; revising provisions relating to the fees that a unit-owners’ association for a common-interest community ~~for condominium hotel~~ may charge for certain services; revising provisions relating to the resale of a unit in a common-interest community or condominium hotel; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a unit-owners’ association for a common-interest community ~~for condominium hotel~~ to charge certain fees for performing certain services. (NRS 116.3102) ~~(, 116B.420) Sections~~ **Section 1** ~~(and 4)~~ of this bill ~~authorize~~ **authorizes** an association to impose a fee for opening or closing any file for each unit.

Existing law requires a unit’s owner in a common-interest community or condominium hotel to furnish to a prospective buyer a resale package containing certain information. (NRS 116.4109, 116B.760) **Sections 3 and 5** of this bill: (1) specify that certain periods for taking certain actions relating to the resale package must be measured in **either** calendar days ~~;~~ ~~(2) establish~~ ~~certain caps on fees that may be charged for certain services relating to the~~

~~resale package;] or business days; and [(3)] (2)~~ provide that the resale package remains effective for 90 calendar days. **Section 3** also requires an association for a common-interest community to provide a copy of a statement of demand to ~~all~~ an interested ~~parties]~~ party not later than 10 calendar days after receipt of a written request to do so. **Section 3.5 of this bill: (1) establishes a maximum fee that an association for a common-interest community may charge for furnishing a certificate for inclusion in the resale package; (2) eliminates the authority to charge a fee for providing certain documents in electronic format; and (3) increases the amount an association for a common-interest community may charge for furnishing a statement of demand.**

Sections 2 and 6 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 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:

(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations.

(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.

(c) May hire and discharge managing agents and other employees, agents and independent contractors.

(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community. The association may not institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners with respect to an action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, unless the action pertains exclusively to common elements.

(e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) May regulate the use, maintenance, repair, replacement and modification of common elements.

(g) May cause additional improvements to be made as a part of the common elements.

(h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) May grant easements, leases, licenses and concessions through or over the common elements.

(j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) May impose charges for late payment of assessments pursuant to NRS 116.3115.

(l) May impose construction penalties when authorized pursuant to NRS 116.310305.

(m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) *May impose a reasonable fee for opening or closing any file for each unit. Such a fee ~~must~~:*

(1) Must be based on the actual cost the association incurs to open or close any file. ~~[The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge pursuant to this paragraph, which must not exceed \$350.]~~

(2) Must not exceed \$350.

(3) Must not be charged to both the seller and the purchaser of a unit.

(4) Except as otherwise provided in this subparagraph and subject to the limitation set forth in subparagraph (2), may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. The fee must not increase by more than 3 percent each year.

(p) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

~~{(q)}~~ (q) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

~~{(r)}~~ (r) May exercise any other powers conferred by the declaration or bylaws.

~~[(+)]~~ (s) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

~~[(s)]~~ (t) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

~~[(+)]~~ (u) May exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.

3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any

property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, “assessment” does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 2. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit’s owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit’s owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to ~~((n))~~ (o), inclusive, of subsection 1 of NRS 116.3102 and any costs of collecting a past due obligation charged pursuant to NRS 116.310313 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit’s owner’s interest and perfected before the date on which the assessment sought to be enforced became delinquent, except that a lien under this section is prior to a security interest described in this paragraph to the extent set forth in subsection 3;

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative; and

(d) Liens for any fee or charge levied pursuant to subsection 1 of NRS 444.520.

3. A lien under this section is prior to all security interests described in paragraph (b) of subsection 2 to the extent of:

(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312;

(b) The unpaid amount of assessments, not to exceed an amount equal to assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding the date on which the notice of default and election to sell is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.3116; and

(c) The costs incurred by the association to enforce the lien in an amount not to exceed the amounts set forth in subsection 5,

↪ unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) of subsection 2 must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162 or the institution of a judicial action to enforce the lien.

4. This section does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

5. The amount of the costs of enforcing the association's lien that are prior to the security interest described in paragraph (b) of subsection 2 must not exceed the actual costs incurred by the association, must not include more than one trustee's sale guaranty and must not exceed:

- (a) For a demand or intent to lien letter, \$150.
- (b) For a notice of delinquent assessment, \$325.
- (c) For an intent to record a notice of default letter, \$90.
- (d) For a notice of default, \$400.
- (e) For a trustee's sale guaranty, \$400.

↪ No costs of enforcing the association's lien, other than the costs described in this subsection, and no amount of attorney's fees may be included in the amount of the association's lien that is prior to the security interest described in paragraph (b) of subsection 2.

6. Notwithstanding any other provision of law, an association, or member of the executive board, officer, employee or unit's owner of the association, acting under the authority of this chapter or the governing documents of the association, or the community manager of the association, or any employee, agent or affiliate of the community manager, while engaged in the management of the common-interest community governed by the association, is not required to be licensed as a collection agency pursuant to chapter 649 of NRS or hire or contract with a collection agency licensed pursuant to chapter 649 of NRS to collect amounts due to the association in accordance with subsection 1 before the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162.

7. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and

the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.

8. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

9. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

10. A lien for unpaid assessments is extinguished unless a notice of default and election to sell is recorded as required by paragraph (b) of subsection 1 of NRS 116.31162, or judicial proceedings to enforce the lien are instituted, within 3 years after the full amount of the assessments becomes due.

11. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

12. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

13. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

14. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

15. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense

assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

16. Notwithstanding any other provision of law, any payment of an amount due to an association in accordance with subsection 1 by the holder of any lien or encumbrance on a unit that is subordinate to the association's lien under this section becomes a debt due from the unit's owner to the holder of the lien or encumbrance.

Sec. 3. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent, mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her

authorized agent or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

- (a) Cancel the contract pursuant to this subsection; or
- (b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 *calendar* days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

- (a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and
- (b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate. ~~which must not exceed \$185, except that if a unit's owner or an authorized agent thereof requests that the certificate be furnished sooner than 3 business days after the date of the request, the association may charge a fee of up to the maximum amount established by the Commission to expedite the preparation of the certificate.~~

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. The association may charge the unit's owner a fee, not to exceed \$20, to provide such documents in electronic format. If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 *calendar* days allowed by this section, the purchaser is not liable for the delinquent assessment. ***A resale package provided to a unit's owner or his or her authorized agent pursuant to this section remains effective for 90 calendar days.***

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 *calendar* days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement ~~and provide a copy of the statement to all any other interested ~~parties.~~ party.~~ The association may charge a fee of not more than \$150 ~~(\$165)~~ to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than \$100 to furnish a statement of demand within 3 ~~calendar~~ business days after receipt of a written request for a statement of demand. The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

~~As used in this subsection, "interested ~~parties~~ party" includes the unit's owner selling the unit ~~and~~ the prospective purchaser of the unit ~~and all other persons known to the association who have a financial interest in the potential sale of the unit.~~~~

8. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver

a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit's owner.

Sec. 3.5. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095.

(b) A statement from the association setting forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner.

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152.

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge.

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit.

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent, mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her

authorized agent or deliver the notice of cancellation by electronic transmission to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 calendar days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate. ~~It~~, **which must not exceed \$185, except that if a unit's owner or an authorized agent thereof requests that the certificate be furnished sooner than 3 business days after the date of the request, the association may charge a fee of up to the maximum amount established by the Commission to expedite the preparation of the certificate. The amount of the fee may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year.**

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format to the unit's owner. ~~The association may charge the unit's owner a fee, not to exceed \$20, to provide such documents in electronic format.~~ If the association is unable to provide such documents in electronic format, the association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 calendar days allowed by this section, the purchaser is not liable for the delinquent assessment. A resale package provided to a unit's owner or his or her authorized agent pursuant to this section remains effective for 90 calendar days.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. A unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit may request a statement of demand from the association. Not later than 10 calendar days after receipt of a written request from the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit for a statement of demand, the association shall furnish a statement of demand to the person who requested the statement and provide a copy of the statement to any other interested party. The association may charge a fee of not more than ~~150~~ **165** to prepare and furnish a statement of demand pursuant to this subsection and an additional fee of not more than \$100 to furnish a statement of demand within 3 business days after receipt of a written request for a statement of demand. **The amount of the fees for preparing and furnishing a statement of demand and the additional fee for furnishing a statement of demand within 3 business days may increase, on an annual basis, by a percentage equal to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year, but must not increase by more than 3 percent each year.** The statement of demand:

(a) Must set forth the amount of the monthly assessment for common expenses and any unpaid obligation of any kind, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees currently due from the selling unit's owner; and

(b) Remains effective for the period specified in the statement of demand, which must not be less than 15 business days after the date of delivery by the association to the unit's owner, the authorized agent of the unit's owner or the holder of a security interest on the unit, whichever is applicable.

↪ As used in this subsection, “interested party” includes the unit’s owner selling the unit and the prospective purchaser of the unit.

8. If the association becomes aware of an error in a statement of demand furnished pursuant to subsection 7 during the period in which the statement of demand is effective but before the consummation of a resale for which a resale package was furnished pursuant to subsection 1, the association must deliver a replacement statement of demand to the person who requested the statement of demand. Unless the person who requested the statement of demand receives a replacement statement of demand, the person may rely upon the accuracy of the information set forth in the statement of demand provided by the association for the resale. Payment of the amount set forth in the statement of demand constitutes full payment of the amount due from the selling unit’s owner.

Sec. 4. ~~NRS 116B.420 is hereby amended to read as follows:~~

~~116B.420 Subject to the provisions of the declaration, the association:~~

~~1. Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations pertaining to the common elements. Unless otherwise provided in the declaration, bylaws, rules or regulations adopted by the association must not attempt to exercise any control over the hotel unit or the shared components.~~

~~2. Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116B.600, may collect assessments for common expenses from the units’ owners and may invest funds of the association in accordance with the requirements set forth in NRS 116B.577.~~

~~3. May hire and discharge managing agents and other employees, agents and independent contractors of the association.~~

~~4. May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or two or more units’ owners on matters affecting the condominium hotel.~~

~~5. May make contracts and incur liabilities with regard to the common elements.~~

~~6. May regulate the use, maintenance, repair, replacement and modification of common elements.~~

~~7. May cause additional improvements to be made as a part of the common elements.~~

~~8. May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but common elements may be conveyed or subjected to a security interest only pursuant to NRS 116B.560.~~

~~9. May grant easements, leases, licenses and concessions through or over the common elements.~~

~~10. May impose and receive any payments, fees or charges for the use, rental or operation of the common elements.~~

~~11. May impose charges for late payment of assessments on common elements.~~

~~12. May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116B.430.~~

~~13. *May impose a reasonable fee for opening or closing any file for each unit. Such a fee must be based on the actual cost the association incurs to open or close any file. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge pursuant to this subsection, which must not exceed \$350.*~~

~~14. May provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.~~

~~[14.] 15. May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.~~

~~[15.] 16. May exercise any other powers conferred by the declaration or bylaws.~~

~~[16.] 17. May exercise any other powers necessary and proper for the governance and operation of the association. **(Deleted by amendment.)**~~

Sec. 5. NRS 116B.760 is hereby amended to read as follows:

116B.760 1. Except in the case of a sale in which delivery of a public offering statement is required, a unit's owner or his or her authorized agent shall furnish to a purchaser a resale package containing all of the following:

(a) A copy of this chapter, the declaration, other than any plats, the bylaws, the rules or regulations of the association and the hotel unit owner and the information statement required by NRS 116B.765;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by this chapter;

(d) A current year-to-date statement of the shared expenses charged to the units and the projected budget for the shared expenses, either within or as an exhibit to the public offering statement. The budget must include, without limitation:

(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to this chapter; and

(2) The projected monthly shared expenses for each type of unit, including the amount established as reserves pursuant to this chapter;

(e) A description of any other payments, fees and charges that may be charged by the hotel unit owner, including those that may be charged in order to offset the increased burden placed on the shared components as a result of use of residential units as transient rentals; and

(f) A statement of any unsatisfied judgments or pending legal actions against the association or the hotel unit owner which affect the shared

components and the status of any pending legal actions relating to the condominium hotel of which the unit's owner has actual knowledge.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the residential unit owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the residential unit owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the residential unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the residential unit owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 *calendar* days after receipt of a written request by a residential unit owner or his or her authorized agent, the hotel unit owner shall furnish all of the following to the residential unit owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the residential unit owner to comply with paragraphs (b), (d), (e) and (f) of subsection 1.

4. If the hotel unit owner furnishes the documents and certificate pursuant to subsection 3:

(a) The residential unit owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the residential unit owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the hotel unit owner and included in the documents and certificate.

(b) The hotel unit owner may charge the residential unit owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that the hotel unit owner may charge for preparing the certificate.

(c) The other documents furnished pursuant to subsection 3 must be provided in electronic format at no charge to the unit's owner or, if the hotel unit owner is unable to provide such documents in electronic format, the hotel unit owner may charge the residential unit owner a reasonable fee, not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, to cover the cost of copying.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the hotel unit owner may not charge the residential unit owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a residential unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the hotel unit owner. If the hotel unit owner fails to furnish the documents and certificate within the 10 *calendar* days allowed by this section, the purchaser is not liable for the delinquent assessment. *A resale package provided to a unit's owner or his or her authorized agent pursuant to this section remains effective for 90 calendar days.*

6. Upon the request of a residential unit owner or his or her authorized agent, or upon the request of a purchaser to whom the hotel unit owner has provided a resale package pursuant to this section or his or her authorized agent, the hotel unit owner shall make the entire study of the reserves of the association or the shared components reasonably available for the residential unit owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or the hotel unit owner or some other suitable location within the county where the condominium hotel is situated or, if it is situated in more than one county, within one of those counties.

Sec. 6. NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, unless the context otherwise requires:

1. "Assessments" means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to ~~((n)),~~ (o), inclusive, of subsection 1 of NRS 116.3102 or subsections 10, 11 and 12 ~~(to 13, inclusive),~~ of NRS 116B.420.

2. "Association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the Real Estate Division of the Department of Business and Industry.

5. "Program" means a program established by the Division under which a person, including, without limitation, a referee or hearing officer, can render decisions on disputes relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property.

6. “Residential property” includes, but is not limited to, real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS. The term does not include commercial property if no portion thereof contains property which is used for residential purposes.

Sec. 7. 1. ~~This act becomes~~ section and sections 3 and 5 of this act become effective ~~on~~ the

~~1. Upon~~ upon passage and approval ~~. It~~ is for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and

2. ~~On~~ Sections 1, 2, 3.5 and 6 of this act become effective on January 1, 2020 ~~. It~~ is for all other purposes.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

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

Amendment No. 603.

ASSEMBLYMEN GORELOW, MUNK ~~; LEAVITT, ROBERTS;~~ ASSEFA, FLORES, MARTINEZ AND MCCURDY

SUMMARY—Makes various changes to prevent and track workplace violence at certain medical facilities. (BDR 53-843)

AN ACT relating to occupational safety and health; requiring ~~at~~ certain medical ~~facility~~ facilities to develop and carry out a plan for the prevention of workplace violence and report incidents of workplace violence to the Division of Industrial Relations of the Department of Business and Industry; prohibiting such a medical facility from taking certain actions against an employee or other provider of care who seeks the assistance of a public safety agency in response to workplace violence or who reports workplace violence; requiring such a medical facility to maintain certain records and provide copies of those records to certain persons upon request; requiring the Division to publish an annual report concerning workplace violence at such medical facilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits an employer from maintaining unsafe or unhealthy places of employment. (NRS 618.385) Existing law imposes certain requirements concerning specific issues related to workplace safety, including

the control of asbestos, the operation of cranes and the manufacture and use of explosives and photovoltaic system projects. (NRS 618.750-618.936) **Section 14** of this bill requires a ~~medical facility, other than a nursing pool,~~ **hospital or psychiatric hospital** to develop and carry out a plan for the prevention of workplace violence. **Section 14** requires such a plan to require training for employees and ~~independent contractors,~~ **other providers of care** concerning the prevention of workplace violence at certain times during employment. **Section 15** of this bill requires a ~~medical facility,~~ **hospital or psychiatric hospital** to collaborate with employees, ~~independent contractors and,~~ **other providers of care,** employee organizations representing employees ~~of medical facilities or independent contractors of medical facilities,~~ **and any employee organization representing other providers of care** in developing, reviewing and revising the training.

Section 14 additionally requires the plan to include procedures for responding to workplace violence and situations that create the potential for workplace violence. **Section 16** of this bill prescribes the required contents of those procedures. **Section 14** further requires the plan to include procedures for: (1) correcting hazards that increase the risk of workplace violence; (2) obtaining assistance from security guards and public safety agencies when appropriate; (3) responding to incidents that create the possibility of mass casualties; and (4) annually assessing and improving on the capability of a ~~medical facility,~~ **hospital or psychiatric hospital** to prevent or respond to workplace violence.

Section 17 of this bill requires a ~~medical facility,~~ **hospital or psychiatric hospital** to take certain actions relating to the development and implementation of the plan and provide orientation concerning the plan to temporary employees and ~~independent contractors,~~ **other providers of care.** **Section 17** also requires a ~~medical facility,~~ **hospital or psychiatric hospital** to carry out certain controls to prevent and mitigate the risk of workplace violence. **Section 17** additionally requires a ~~medical facility,~~ **hospital or psychiatric hospital** to document and report to the Division of Industrial Relations of the Department of Business and Industry certain incidents of workplace violence. **Section 17** bans a ~~medical facility,~~ **hospital or psychiatric hospital** from prohibiting an employee or ~~independent contractor,~~ **other provider of care** from reporting an incident of workplace violence or seeking the assistance of a public safety agency in response to an incident of workplace violence or punishing or retaliating against an employee or ~~independent contractor,~~ **other provider of care** who reports an incident or seeks such assistance. **Section 19.3 of this bill authorizes an employee who is aggrieved by such prohibited actions to file a complaint with the Division for reinstatement and reimbursement for lost wages and work benefits.**

Section 18 of this bill requires a ~~medical facility,~~ **hospital or psychiatric hospital** to maintain and make available to the Division upon request certain documentation, including: (1) records relating to the identification of hazards

and training sessions; and (2) a log of each incident of workplace violence against an employee or ~~independent contractor.~~ **other provider of care.** **Section 18** requires a medical facility to provide copies of such records to employees and ~~independent contractors, former employees and independent contractors,~~ **other providers of care** and representatives of such persons upon request. **Section 19** of this bill requires the Division to annually publish a report concerning workplace violence at ~~medical facilities.~~ **hospitals and psychiatric hospitals. On July 1, 2021, section 19.6 of this bill makes the provisions of this bill applicable to various other medical facilities to the same extent as they apply to hospitals and psychiatric hospitals. Such medical facilities include certain large agencies to provide nursing in the home, independent centers for emergency medical care, facilities for intermediate care, facilities for skilled nursing, rural clinics, facilities for modified medical detoxification and community triage centers.**

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *As used in sections 2 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meaning ascribed to them in those sections.*

Sec. 3. *“Alarm” means a mechanical or electronic ~~device~~ communication system that does not rely on the vocalization of a person to alert others to an incident of workplace violence.*

Sec. 4. *“Dangerous weapon” means an item capable of inflicting death or serious bodily injury, regardless of whether the item was designed for that purpose.*

Sec. 5. *“Engineering control” means an aspect of a building, other designed space or device that removes a hazard from the workplace or creates a barrier between an employee or ~~independent contractor~~ other provider of care and the hazard. The term includes, without limitation:*

- 1. Electronic access controls to areas occupied by employees or ~~independent contractors;~~ other providers of care;*
- 2. Detectors for weapons, whether installed or handheld;*
- 3. Workstations enclosed with glass that is resistant to shattering;*
- 4. Deep service counters;*
- 5. Separate rooms or areas for patients that pose a high risk of workplace violence;*
- 6. Locks on doors;*
- 7. Furniture affixed to the floor;*
- 8. Opaque glass in rooms for patients that allows an employee or ~~independent contractor~~ other provider of care to see the location of the patient before entering the room;*
- 9. Closed-circuit television monitoring and video recording;*

10. *Devices designed to aid the sight of an employee or ~~independent contractor,~~ other provider of care; and*

11. *Personal alarm devices.*

Sec. 6. *“Medical facility” ~~has the meaning ascribed to it in NRS 449.0151, but does not include a nursing pool, as defined in NRS 449.0153.~~ means:*

1. A hospital, as defined in NRS 449.012; or

2. A psychiatric hospital, as defined in NRS 449.0165.

Sec. 7. *“Patient-specific risk factor” means a factor specific to a patient that may increase the likelihood or severity of an incident of workplace violence, including, without limitation:*

1. The mental health of a patient;

2. The status of a patient’s treatment and medication;

3. A history of violent acts by the patient;

4. The use of drugs or alcohol by the patient; and

5. Any other condition that may cause a patient to experience confusion or disorientation, fail to respond to instruction or behave unpredictably.

Sec. 8. *“Public safety agency” means:*

1. 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 and suppress fires;

2. A law enforcement agency as defined in NRS 277.035; or

3. An emergency medical service.

Sec. 9. *“Security guard” has the meaning ascribed to it in NRS 648.016.*

Sec. 10. *“Threat of violence” means a statement or conduct that:*

1. Causes a person to fear for his or her safety because of the possibility of physical injury; and

2. Has no legitimate purpose.

Sec. 11. *“Unit” means a component of a medical facility for providing patient care that is defined by the scope of service provided, the ~~duties~~ competencies required of its staff, the orientation process and methods for assessing the ability of the members of staff to fulfill their responsibilities.*

Sec. 12. ~~“Workplace”~~ *“Work practice control” means a procedure or rule that is used to reduce the risk of workplace violence, including, without limitation:*

1. Assigning and placing staff in a manner that reduces patient-specific risk factors;

2. Employing or contracting with security guards; and

3. Providing training on methods to prevent workplace violence and respond to incidents of workplace violence.

Sec. 13. *“Workplace violence” means any act of violence or threat of violence that occurs at a medical facility, except for a lawful act of self-defense or defense of another person. The term includes, without limitation:*

1. The use or threatened use of physical force against an employee or ~~independent,~~ other provider of care, regardless of whether the employee or

~~independent contractor~~ other provider of care is physically or psychologically injured; and

2. An incident involving the use or threatened use of a firearm or other dangerous weapon, regardless of whether an employee or ~~independent contractor~~ other provider of care is physically or psychologically injured.

Sec. 14. 1. A medical facility shall develop and carry out a plan for the prevention of workplace violence. The plan must:

(a) Be in writing;

(b) Be in effect at all times;

(c) Be available to be viewed by each employee ~~and independent contractor~~ of the medical facility or other provider of care at the medical facility at all times;

(d) ~~Contain~~ Be specific instructions concerning for each unit, area and location maintained by the medical facility; and

(e) Be developed in collaboration with employees ~~and independent contractors~~ of the medical facility, other providers of care at the medical facility, and any employee organization representing employees of the medical facility and ~~employees of independent contractors of~~ any employee organization representing other providers of care at the medical facility.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) A requirement that all employees ~~and independent contractors~~ of the medical facility and other providers of care at the medical facility receive the training described in section 15 of this act concerning the prevention of workplace violence:

(1) Upon the adoption of a new plan for the prevention of workplace violence;

(2) Upon commencing employment and annually thereafter;

(3) Upon commencing new job duties or a new assignment; and

(4) When conditions change, new equipment or work practices are introduced or a new or previously unrecognized hazard is identified.

(b) Procedures that meet the requirements of section 16 of this act for responding to and investigating incidents of workplace violence.

(c) Procedures that meet the requirements of section 16 of this act for assessing and responding to situations that create the potential for workplace violence.

(d) ~~Procedures~~ Applicable procedures for correcting hazards that increase the risk of workplace violence, including, without limitation, and to the extent applicable, using engineering controls and ~~workplace~~ work practice controls to eliminate or minimize exposure of employees and ~~independent contractors~~ other providers of care to such hazards and carrying out corrective actions pursuant to subsection 2 of section 16 of this act.

(e) Procedures for obtaining assistance from security guards or public safety agencies when appropriate.

(f) Procedures for responding to incidents that create the possibility of mass casualties, including, without limitation, incidents involving an active shooter, through the use of plans for evacuation and sheltering that are feasible and appropriate for the medical facility.

(g) Procedures for annually assessing and improving on the capability of the medical facility to prevent or respond to workplace violence in collaboration with employees, ~~independent contractors and~~ other providers of care, employee organizations representing employees of medical facilities and ~~employees of independent contractors of~~ employee organizations representing other providers of care at medical facilities, including, without limitation, reviewing logs of workplace violence maintained pursuant to section 18 of this act, staffing, security systems, job design, equipment, facilities and security risks associated with specific areas, units, locations and times.

Sec. 15. 1. The training provided under the plan developed pursuant to section 14 of this act must address the risks of workplace violence that an employee or ~~independent contractor~~ other provider of care may be reasonably anticipated to encounter on his or her job and must include, without limitation, instruction concerning:

(a) An explanation of the plan and any information necessary for employees and ~~independent contractors~~ other providers of care to:

(1) Understand how the plan improves the safety of each unit, area or location in the medical facility; and

(2) Perform the duties that may be required of each employee or ~~independent contractor~~ other provider of care under the plan;

(b) Recognizing situations that may result in workplace violence;

(c) When and how to respond to and seek assistance in preventing or responding to workplace violence;

(d) Reporting incidents of workplace violence to the medical facility and public safety agencies when appropriate;

(e) Resources available to employees and ~~independent contractors~~ other providers of care in coping with incidents of workplace violence, including, without limitation, debriefing processes established by the medical facility for use after an incident of workplace violence and available programs to assist employees and ~~independent contractors~~ other providers of care in recovering from incidents of workplace violence; and

(f) For each employee or ~~independent contractor~~ other provider of care who has contact with patients, training concerning verbal intervention and de-escalation techniques that:

(1) Allows the employee or ~~independent contractor~~ other provider of care to practice those techniques with other employees and ~~independent contractors~~ other providers of care with whom he or she works; and

(2) Includes a meeting to debrief each practice session conducted pursuant to subparagraph (1).

2. A medical facility shall collaborate with employees ~~and independent contractors~~ of the medical facility ~~and~~, other providers of care at the medical facility, any employee organizations representing employees of the medical facility ~~for employees of independent contractors off~~ and employee organizations representing other providers of care at the medical facility in developing, reviewing and revising the training provided under the plan developed pursuant to section 14 of this act and any curricula or materials used in that training.

Sec. 16. 1. The procedures for responding to and investigating incidents of workplace violence included in the plan adopted pursuant to section 14 of this act must include, without limitation, procedures to:

(a) ~~Use~~ Carry out, maintain and use alarms and other communications systems to allow employees and ~~independent contractors~~ other providers of care to seek immediate assistance during an incident of workplace violence;

(b) Ensure an effective response to each incident of workplace violence, including, without limitation, by ~~employing persons who~~ ensuring that members of the staff of the medical facility are trained to address such incidents and designated to be available to immediately assist in the response to such an incident without ~~conflicting responsibilities,~~ interrupting patient care;

(c) Provide immediate medical care or first aid to employees or ~~independent contractors~~ other providers of care who have been injured in an incident of workplace violence;

(d) Identify each employee or ~~independent contractor~~ other provider of care involved in an incident of workplace violence;

(e) ~~Provide~~ Offer counseling to each employee and ~~independent contractor~~ other provider of care affected by an incident of workplace violence;

(f) ~~Debrief with~~ Offer the opportunity for each employee and ~~independent contractor,~~ other provider of care, including, without limitation, supervisors and security guards, involved in an incident of workplace violence to debrief as soon as possible after the incident ~~;~~ at a time and place that is convenient for the employee or other provider of care;

(g) Review any patient-specific risk factors and any measures specified to reduce those factors;

(h) Review the implementation and effectiveness of corrective measures taken under the plan ~~;~~ including, without limitation, measures relating to staffing, alarms and other means of summoning assistance and the response by staff and public safety agencies, in responding to an incident of workplace violence; and

(i) Solicit the opinion of each employee or ~~independent contractor~~ other provider of care involved in an incident of workplace violence ~~;~~ including, without limitation, each employee or independent contractor injured in the incident; concerning the ~~cause~~ precipitating factors of the incident and any measures that may have assisted in preventing the incident.

2. *The procedures for assessing and responding to situations that create the potential for workplace violence must include, without limitation, procedures for:*

(a) *Assessing factors that may contribute to or prevent incidents of workplace violence in each unit, area and location of the medical facility. Such factors include, without limitation:*

(1) *Staffing ~~patterns~~ that ~~contribute~~ contributes to or ~~are~~ is insufficient to address the risk of workplace violence;*

(2) *Sufficiency of security systems, including, without limitation, alarms and emergency response systems and the availability of security guards;*

(3) *Design of jobs, equipment and facilities;*

(4) *Environmental risk factors; and*

(5) *Patient-specific risk factors.*

(b) *Employees and ~~independent contractors~~ other providers of care to report incidents of workplace violence and concerns about workplace violence or the potential for workplace violence without fear of reprisal.*

(c) *Investigating concerns reported pursuant to paragraph (b) and informing employees and ~~independent contractors~~ other providers of care of the results of such an investigation and any corrective action taken in response to the investigation.*

(d) *Communicating about workplace violence, including, without limitation:*

(1) *The manner in which employees and ~~independent contractors~~ other providers of care may document and communicate information to other employees and ~~independent contractors~~, other providers of care, including, without limitation, employees and ~~independent contractors~~, other providers of care who work different hours or on different units, concerning conditions that may increase the potential for workplace violence; and*

(2) *Means by which to alert employees and ~~independent contractors~~ other providers of care to the presence, location and nature of a security threat.*

3. *As used in this section, “environmental risk factors” means factors in the medical facility or an area in which health care services or operations are conducted that may contribute to the likelihood or severity of an incident of workplace violence ~~is~~, including, without limitation, working in an isolated area, poor illumination or blocked visibility and lack of physical barriers between employees or other providers of care and persons who are at a risk of committing workplace violence.*

Sec. 17. 1. A medical facility shall:

(a) *Ensure that the plan developed pursuant to section 14 of this act is effectively carried out at all times and in all units, areas and locations of the medical facility.*

(b) Coordinate risk assessment and development and implementation of the plan developed pursuant to section 14 of this act with independent contractors whose employees ~~work~~ provide care in the medical facility.

(c) Ensure that each temporary employee or ~~independent contractor~~ other provider of care receives an appropriate orientation in the plan developed pursuant to section 14 of this act before beginning work in the medical facility.

(d) Implement engineering controls, work practice controls and other appropriate measures as applicable, to prevent and mitigate the risk of workplace violence in all units, areas and locations of the facility. Such controls ~~must~~ may include, without limitation:

(1) Assignment or placement of sufficient numbers of staff to reduce patient-specific risk factors;

(2) Reconfiguration of spaces in the facility to prevent or minimize potential incidents of workplace violence;

(3) Procedures to prevent the transportation of unauthorized firearms and other dangerous weapons into and within the medical facility; and

(4) Maintenance at all times of a sufficient number of trained staff ~~including, without limitation,~~ or security guards ~~to~~ to prevent or immediately respond to incidents of workplace violence. Such staff must not have other job duties that hinder their ability to respond immediately to an incident or potential incident of workplace violence.

(e) Report any incident of workplace violence at the medical facility that results in injury, involves a firearm or other dangerous weapon or presents an urgent or emergent threat to the welfare, health or safety of an employee or ~~independent contractor~~ other provider of care to the Division not later than 24 hours after the incident.

(f) Report any other incident of workplace violence at the medical facility to the Division not later than 72 hours after the incident.

2. A medical facility shall not:

(a) Prohibit an employee or ~~independent contractor~~ other provider of care from reporting incidents of workplace violence or concerns about workplace violence or seeking the assistance of a public safety agency to respond to an incident of workplace violence; or

(b) Punish or retaliate against an employee or ~~independent contractor~~ other provider of care for reporting an incident of workplace violence or seeking such assistance.

Sec. 18. 1. A medical facility shall maintain and make available to the Division upon request records related to incidents of workplace violence and actions taken in compliance with sections 14 to 17, inclusive, of this act. Such records must include, without limitation:

(a) Records of the identification, evaluation and correction of hazards that increase the risk of workplace violence.

(b) A log of workplace violence which must include documentation of each incident of workplace violence against an employee ~~for independent~~

~~contractor~~ of the medical facility ~~or~~ or other provider of care at the medical facility, regardless of whether a report of the incident is submitted to the Division pursuant to paragraph (e) or (f) of subsection 1 of section 17 of this act. An entry in the log for an incident of workplace violence must be retained for at least 5 years after the incident and must include, without limitation:

(1) A detailed description of the incident, including, without limitation, the location and circumstances surrounding the incident;

(2) A classification of the perpetrator of the incident;

(3) A classification of the type of incident; and

(4) A description of any consequences of the incident, including, without limitation, any injuries caused by the incident.

(c) A record of each training session provided under the plan developed pursuant to section 14 of this act. Such records must be maintained for at least 1 year after the training session and must include, without limitation, the date and content of the training session and the names and qualifications of each person who provided training as part of the session.

(d) A record of each report to the Division pursuant to NRS 618.378 or paragraph (e) or (f) of subsection 1 of section 17 of this act.

2. ~~Employees, independent contractors, former employees, former independent contractors~~ other providers of care and representatives of employees ~~for former employees of~~ or other providers of care at a medical facility ~~for an independent contractor of a medical facility~~ are entitled to access to any records maintained by a medical facility pursuant to this section. A medical facility shall, upon request, provide copies of the records to the employees, ~~independent contractors, former employees, former independent contractors~~ other providers of care or representatives within 72 hours after receipt of the request.

3. If a copy of a record is provided pursuant to this section, the first six pages reproduced pursuant to the request must be provided without charge. The charge for each additional page copied must not exceed the cost of reproduction.

4. Records maintained pursuant to this section must not include the personally identifiable information of any patient, employee of the medical facility or other provider of care at the medical facility. Such records must not be maintained or disclosed in a manner that violates NRS 449A.112 or the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto.

5. For the purposes of this section, “representatives of employees ~~for former employees of~~ or other providers of care at a medical ~~facility or an independent contractor of a medical~~ facility” means:

(a) A person previously identified to the Division as an authorized representative of the employee bargaining unit of a labor organization which has a collective bargaining relationship with the employer and represents the affected employees.

(b) An attorney acting for an affected employee or ~~independent contractor or former employee or independent contractor,~~ other provider of care.

(c) ~~The spouse, parent or child of an affected employee or independent contractor or former employee or independent contractor.~~

~~(d)~~ Any person designated by a court to act as the official representative for the estate of an affected employee or ~~independent contractor or former employee or independent contractor,~~ other provider of care.

Sec. 19. 1. On or before January 31 of each year, the Division shall compile and make available on an Internet website maintained by the Division a report concerning workplace violence at medical facilities in this State. The report must include, without limitation:

(a) The total number of incidents of workplace violence reported pursuant to paragraphs (e) and (f) of subsection 1 of section 17 of this act by medical facilities in this State and the ~~number of such incidents reported by~~ name of each medical facility ~~that~~ that made a report pursuant to paragraph (e) or (f) of subsection 1 of section 17 of this act;

(b) The outcome of any inspection or investigation conducted in response to an incident of workplace violence at a medical facility;

(c) Any action taken against a medical facility in response to an incident of workplace violence; and

(d) Recommendations of the Division to prevent workplace violence at medical facilities.

2. The report compiled pursuant to this section must not include any personally identifiable information concerning an employee, ~~independent contractor,~~ other provider of care or patient of a medical facility ~~that~~ or any other information for which disclosure would violate NRS 449A.112 or the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any regulations adopted pursuant thereto.

Sec. 19.3. **NRS 618.445 is hereby amended to read as follows:**

618.445 1. A person shall not discharge or in any manner discriminate against any employee because the employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, ~~for~~ has testified or is about to testify in any such proceeding, has performed an action described in paragraph (a) of subsection 2 of section 17 of this act or because of the exercise by the employee on behalf of himself, herself or others of any right afforded by this chapter.

2. Any employee aggrieved by a violation of subsection 1 may file a complaint for the relief afforded under subsection 3 with the Division. Any complaint must be filed with the Division within 30 days after the violation has occurred and must set forth in writing the facts constituting the violation.

3. Upon receipt of the complaint by the Division, the Administrator shall cause such investigation to be made as the Administrator deems appropriate. If upon investigation, the Administrator determines that the provisions of subsection 1 have been violated, the Administrator shall bring an action in the

name of the Administrator in any appropriate district court against the person who has committed the violation.

4. If the court finds that the employee was discharged or discriminated against in violation of subsection 1, the employee is entitled to reinstatement and reimbursement for lost wages and work benefits.

5. Any decision reached by the Administrator relating to the filing of an action pursuant to this section must be made available to the complaining employee within 90 days after the Division's receipt of the complaint.

Sec. 19.6. Section 6 of this bill is hereby amended to read as follows:

Sec. 6. "Medical facility" means:

1. A hospital, as defined in NRS 449.012; ~~for~~

2. A psychiatric hospital, as defined in NRS 449.0165; ~~for~~;

3. An agency to provide nursing in the home, as defined in NRS 449.0015, that has at least 50 employees;

4. An independent center for emergency medical care, as defined in NRS 449.013;

5. A facility for intermediate care, as defined in NRS 449.0038;

6. A facility for skilled nursing, as defined in NRS 449.0039;

7. A rural clinic, as defined in NRS 449.0175;

8. A facility for modified medical detoxification, as defined in NRS 449.00385; or

9. A community triage center, as defined in NRS 449.0031.

Sec. 20. 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. 21. 1. This ~~act becomes~~ section and sections 1 to 19.3, inclusive, and 20 of this act become effective:

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

~~for~~ **(b)** On ~~January~~ **July** 1, 2020, for all other purposes.

2. Section 19.6 of this act becomes effective:

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

(b) On July 1, 2021, for all other purposes.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 353.

Bill read second time.

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

Amendment No. 531.

AN ACT relating to recycling; **revising certain provisions governing regulation of solid waste**; requiring certain governmental entities to recycle certain additional products and waste; providing certain exemptions from such a requirement; revising the required contents of a report made to the Legislature on the status of recycling programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations establishing minimum standards for: (1) separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including the placement of recycling containers where those services are provided. (NRS 444A.020) Section 1 of this bill excludes construction waste and demolition waste from the definition of "solid waste" for purposes of this requirement. Section 1.8 of this bill clarifies that the term "recyclable material" in this requirement includes electronic waste, paper and paper products.

Existing law requires courts, the Legislative Counsel Bureau, state agencies, school districts and the Nevada System of Higher Education to recycle paper and paper products unless the cost of recycling is unreasonable and would place an undue burden on the entity. (NRS 1.115, 218F.310, 232.007, 386.4159, 396.437) **Sections 2-6** of this bill require these entities to also recycle electronic waste and other recyclable materials. **Sections 2-6 also use standardized definitions of electronic waste, paper, paper products and recyclable material that conform to the definitions in the regulations relating to recycling adopted by the State Environmental Commission.**

Existing law also authorizes the Legislative Counsel Bureau and state agencies to apply for a waiver from compliance with the requirements for recycling. (NRS 218F.310, 232.007) Sections 3 and 4 of this bill eliminate the waiver process and exempt these entities from complying with the requirements relating to recycling if these entities determine that the cost of compliance is unreasonable and would place an undue burden on the entity.

Additionally, existing law requires the Legislative Commission, state agencies, school districts and the Nevada System of Higher Education to prescribe procedures for the recycling of certain waste. (NRS 218F.310, 232.007, 386.4159, 396.437) Sections 3-6 remove the requirement for these entities to prescribe such procedures and instead, require these entities to consult with the State Department of Conservation and Natural Resources for the disposition of such waste.

Existing law also requires any money received by the Legislative Counsel Bureau for recycling or causing to be recycled certain paper products and waste to be paid by the Director to the State Treasurer for credit to the State General Fund. (NRS 218F.310) **Section ~~4 of this bill~~ 3** requires money received by the Legislative Counsel Bureau for recycling or causing to be

recycled certain paper products, electronic waste and other recyclable materials to be: (1) accounted for separately; and (2) used to carry out the provisions of **section ~~443~~ 3**.

Existing law requires the Director of the State Department of Conservation and Natural Resources to deliver a biennial report to the Director of the Legislative Counsel Bureau on the status of current and proposed programs for recycling and reuse of materials. (NRS 444A.070) **Section ~~443~~ 1.9** of this bill requires such a report to include the amount of recycled material reported by state agencies.

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

Section 1. NRS 444.490 is hereby amended to read as follows:

444.490 1. "Solid waste" means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals ~~[, demolition waste, construction waste,]~~ **and** solid or semisolid commercial and industrial waste.

2. The term does not include:

(a) Hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive; ~~443~~

(b) A vehicle described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 444.620; ~~443~~

(c) Construction waste; and

(d) Demolition waste.

Sec. 1.1. Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.3 and 1.4 of this act.

Sec. 1.2. "Electronic waste" means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.

Sec. 1.3. "Paper" includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.

Sec. 1.4. "Paper product" means any paper article or commodity, including, without limitation, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, without limitation, a laminate, binder, coating and saturant.

Sec. 1.5. NRS 444A.010 is hereby amended to read as follows:

444A.010 As used in NRS 444A.010 to 444A.080, inclusive, **and sections 1.2, 1.3 and 1.4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 444A.0103 to 444A.017, inclusive, **and sections**

1.2, 1.3 and 1.4 of this act have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 444A.013 is hereby amended to read as follows:

444A.013 “Recyclable material” means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, as determined by the State Environmental Commission. **The term includes, without limitation:**

1. Electronic waste;

2. Paper; and

3. Paper products.

~~Section 1.1~~ **Sec. 1.9.** NRS 444A.070 is hereby amended to read as follows:

444A.070 The Director of the Department shall deliver to the Director of the Legislative Counsel Bureau a biennial report on or before January 31 of each odd-numbered year for submission to the Legislature on the status of current and proposed programs for recycling and reuse of materials, ***the amount of recycled material that is reported by state agencies pursuant to subsection 5 of NRS 232.007*** and on any other matter relating to recycling and reuse which he or she deems appropriate.

Sec. 2. NRS 1.115 is hereby amended to read as follows:

1.115 1. Except as otherwise provided in this section, each court of justice for this State shall recycle or cause to be recycled, to the extent reasonably possible, the paper and paper products, ***electronic waste and other recyclable materials it ~~uses~~ produces.*** This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. As used in this section:

(a) ***“Electronic waste” has the meaning ascribed to it in ~~NRS 232.007~~ section 1.2 of this act.***

(b) ***“Paper” ~~includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~***

~~—(b) has the meaning ascribed to it in ~~NRS 232.007~~ section 1.3 of this act.~~

(c) ***“Paper product” ~~means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~ has the meaning ascribed to it in ~~NRS 232.007~~ section 1.4 of this act.***

(d) ***“Recyclable material” has the meaning ascribed to it in NRS 444A.013.***

Sec. 3. NRS 218F.310 is hereby amended to read as follows:

218F.310 1. Except as otherwise provided in this section, the Legislative Counsel Bureau shall recycle or cause to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~uses.~~ *produces*. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. ~~The Director may apply to the Legislative Commission for a waiver from the requirements of subsection 1.~~ The Legislative ~~Commission shall grant a waiver if it~~ *Counsel Bureau is not required to comply with the requirements of subsection 1 if the Director* determines that the cost to recycle or cause to be recycled the paper and paper products ~~used~~, *electronic waste and other recyclable materials produced* by the Legislative Counsel Bureau is unreasonable and would place an undue burden on the operations of the Legislative Counsel Bureau.

3. The Legislative Commission shall ~~after consulting~~ *consult* with the State Department of Conservation and Natural Resources ~~adopt regulations which prescribe the procedure~~ for the disposition of the paper and paper products, *electronic waste and other recyclable materials* to be recycled ~~The Legislative Commission may prescribe a procedure for the recycling of other waste materials produced~~, *including, without limitation, the placement of recycling containers on the premises of the Legislative Building* ~~where services for the collection of solid waste are provided.~~

4. Any money received by the Legislative Counsel Bureau for recycling or causing to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~uses~~ *produces* must be ~~paid by the Director to the State Treasurer for credit to the State General Fund.~~ :

(a) *Accounted for separately; and*

(b) *Used to carry out the provisions of this section.*

5. As used in this section:

(a) *“Electronic waste” has the meaning ascribed to it in ~~NRS 232.007.~~ section 1.2 of this act.*

(b) *“Paper” ~~includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~*

~~(b) has the meaning ascribed to it in ~~NRS 232.007.~~ section 1.3 of this act.~~

(c) *“Paper product” ~~means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~ has the meaning ascribed to it in ~~NRS 232.007.~~ section 1.4 of this act.*

(d) “Recyclable material” has the meaning ascribed to it in NRS 444A.013.

~~[(d)]~~ (e) “Solid waste” has the meaning ascribed to it in NRS 444.490.

Sec. 4. NRS 232.007 is hereby amended to read as follows:

232.007 1. Except as otherwise provided in this section, each state agency shall recycle or cause to be recycled the paper and paper products , ***electronic waste and other recyclable materials*** ~~[that] it [uses.]~~ ***produces.*** This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. A state agency ~~[may apply to the Chief of the Budget Division of the Office of Finance for a waiver from the requirements of subsection 1. The Chief shall grant a waiver to the state agency if the Chief]~~ ***is not required to comply with the requirements of subsection 1 if the administrator of the agency*** determines that the cost to recycle or cause to be recycled the paper and paper products , ***electronic waste and other recyclable materials*** ~~[used]~~ ***produced*** by the agency is unreasonable and would place an undue burden on the operations of the agency.

3. ~~[The State Environmental Commission shall, through the State Department of Conservation and Natural Resources, adopt regulations which prescribe the procedure for the disposition of the paper and paper products to be recycled. In adopting such regulations, the Commission:~~

~~—(a) Shall consult with any other state agencies which are coordinating or have coordinated programs for recycling paper and paper products.~~

~~—(b) May prescribe a procedure for the recycling of other waste materials produced by state agencies. ***Unless the state agency determines that the cost to recycle certain products is unreasonable and would place an undue burden on the operations of the agency pursuant to subsection 2, each agency shall comply with the regulations adopted pursuant to NRS 444A.020 which prescribe the procedure.***~~ ***A state agency shall consult with the State Department of Conservation and Natural Resources for the disposition of the paper and paper products, electronic waste and other recyclable materials to be recycled, including, without limitation, the placement of recycling containers on the premises of the state agency where services for the collection of solid waste are provided.***

4. Any money received by a state agency for recycling or causing to be recycled the paper and paper products , ***electronic waste and other recyclable materials*** it ~~[uses]~~ ***produces*** must be ~~[paid by the chief administrative officer of that agency to the State Treasurer for credit to the State General Fund.]~~ :

(a) ***Accounted for separately; and***

(b) ***Used to carry out the provisions of this section.***

5. ***On or before July 1 of each year, each state agency shall submit to the Director a report on the amount of material recycled by the state agency pursuant to this section.***

6. As used in this section:

~~(a) [“Computer” means an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including, without limitation, a laptop computer and desktop computer, and includes, without limitation, any cable, cord or wiring permanently affixed to or incorporated into such a product, and may include, without limitation, a computer central processing unit and a monitor. The term does not include an automated typewriter or typesetter, a portable handheld calculator, a server or other similar device.~~

~~(b) “Computer peripheral” means a monitor, electronic keyboard, electronic mouse or similar pointing device, facsimile machine, document scanner, multifunction or all-in-one imaging device or printer intended for use with a computer. The term includes, without limitation, any cable, cord or wiring permanently affixed to or incorporated into any such product. The term does not include any document scanner or printer which weighs 100 pounds or more.~~

~~(c) “Electronic equipment” includes a:~~

- ~~(1) Computer;~~
- ~~(2) Computer peripheral;~~
- ~~(3) Small-scale server;~~
- ~~(4) Television; or~~
- ~~(5) Television peripheral.~~

~~↪ The term does not include any motor vehicle or any part thereof, a household appliance such as a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, oven, range or dishwasher, any equipment that is functionally or physically a part of a larger piece of equipment intended for use in an industrial, research and development or commercial setting, any security or anti terrorism equipment, a monitoring and control instrument or system, a thermostat, a handheld transceiver, a server other than a small-scale server, a cash register or retail self-checkout system, a stand-alone storage product intended for use in an industrial, research and development or commercial settings, commercial medical equipment that contains within it a cathode ray tube, a flat panel display or similar video display device and is not separate from the larger piece of equipment or other medical device as that term is defined under the United States Food and Drug Administration under Subchapter V of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 351 et seq.~~

~~(d) “Electronic waste” [means electronic equipment that has been discarded, is no longer wanted by the owner or for any other reason enters the waste collection, recovery, treatment, processing or recycling system.] has the meaning ascribed to it in section 1.2 of this act.~~

~~(e) (b) “Paper” [includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulose material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a~~

~~laminate, binder, coating and saturant.] has the meaning ascribed to it in section 1.3 of this act.~~

~~[(b)-(f)] (c) “Paper product” [means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.] has the meaning ascribed to it in section 1.4 of this act.~~

~~(d) “Recyclable material” has the meaning ascribed to it in NRS 444A.013.~~

~~[(g)] (e) “Solid waste” has the meaning ascribed to in NRS 444.490.~~

~~[(e)-(h)] (f) “State agency” means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of State Government.~~

~~[(i) “Television” means a display system containing a cathode ray tube or flat panel or any other type of display primarily intended to receive video programming via broadcast, cable or satellite transmission, having a viewable area greater than 4 inches when measured diagonally.~~

~~[(j) “Television peripheral” means any device attached to and used in conjunction with a television, including, without limitation, a video cassette recorder, digital video recorder, digital video disc player, electronic or video game system, game controller, signal converter box, cable receiver, satellite receiver and digital media receiver or set-top box, and includes, without limitation, any cable, cord or wiring permanently affixed to or incorporated into any such product.]~~

Sec. 5. NRS 386.4159 is hereby amended to read as follows:

386.4159 1. Except as otherwise provided in this section, each school district shall recycle or cause to be recycled the paper and paper products , *electronic waste and other recyclable materials that it [uses.] produces*. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. A school district is not required to comply with the requirements of subsection 1 if the board of trustees of the school district determines that the cost to recycle or cause to be recycled the paper and paper products ~~[used]~~ , *electronic waste and other recyclable materials produced* by the schools in the district is unreasonable and would place an undue burden on the operations of the district or a particular school.

3. The board of trustees shall ~~[adopt rules which prescribe]~~ consult with the State Department of Conservation and Natural Resources ~~[the procedure]~~ for the disposition of the paper and paper products , *electronic waste and other recyclable materials* to be recycled ~~[The board of trustees may prescribe a procedure for the recycling of other waste material produced]~~ , *including, without limitation, the placement of recycling containers* on the premises of the schools in the school district and the administrative offices of

the school district ~~†~~ *where services for the collection of solid waste are provided.*

4. Any money received by the school district for recycling or causing to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~uses~~ *produces* must be paid by the board of trustees for credit to the general fund of the school district.

5. As used in this section:

(a) *“Electronic waste” has the meaning ascribed to it in ~~[NRS 232.007.] section 1.2 of this act.~~*

(b) “Paper” ~~includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~—(b)†~~ *has the meaning ascribed to it in ~~[NRS 232.007.] section 1.3 of this act.~~*

(c) “Paper product” ~~means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~ *has the meaning ascribed to it in ~~[NRS 232.007.] section 1.4 of this act.~~*

(d) *“Recyclable material” has the meaning ascribed to it in NRS 444A.013.*

~~†(d)†~~ (e) *“Solid waste” has the meaning ascribed to it in NRS 444.490.*

Sec. 6. NRS 396.437 is hereby amended to read as follows:

396.437 1. Except as otherwise provided in this section, the System shall recycle or cause to be recycled the paper, ~~and~~ paper products, *electronic waste and other recyclable materials* it ~~uses~~ *produces*. This subsection does not apply to confidential documents if there is an additional cost for recycling those documents.

2. The System is not required to comply with the requirements of subsection 1 if the Board of Regents determines that the cost to recycle or cause to be recycled the paper, ~~and~~ paper products ~~used~~, *electronic waste and other recyclable materials produced* by the System or one of its branches or facilities is unreasonable and would place an undue burden on the operations of the System, branch or facility.

3. The Board of Regents shall ~~adopt regulations which prescribe the procedure~~ *consult with the State Department of Conservation and Natural Resources* for the disposition of the paper and paper products, *electronic waste and other recyclable materials* to be recycled, ~~†~~ *The Board of Regents shall prescribe procedures for the recycling of other waste material produced on the premises of the System, a branch or a facility.* ~~†~~ including, without limitation, the placement of recycling containers on the premises of the

System, a branch or a facility where services for the collection of solid waste are provided.

4. Any money received by the System for recycling or causing to be recycled the paper and paper products, *electronic waste and other recyclable materials* it ~~uses~~ *produces* ~~[and other waste material it produces]~~ must be ~~accounted~~ :

~~(a) Accounted~~ for separately; and ~~used~~

~~(b) Used~~ to carry out the provisions of this section.

5. As used in this section:

(a) *“Electronic waste”* has the meaning ascribed to it in ~~[NRS 232.007.]~~ section 1.2 of this act.

(b) “Paper” ~~[includes newspaper, high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, duplicator paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.~~

~~(b)]~~ has the meaning ascribed to it in ~~[NRS 232.007.]~~ section 1.3 of this act.

(c) “Paper product” ~~[means any paper article or commodity, including, but not limited to, paper napkins, towels, cardboard, construction material, paper and any other cellulosic material which contains not more than 10 percent by weight or volume of a noncellulosic material, including, but not limited to, a laminate, binder, coating and saturant.]~~ has the meaning ascribed to it in ~~[NRS 232.007.]~~ section 1.4 of this act.

~~(d) “Recyclable material”~~ has the meaning ascribed to it in NRS 444A.013.

~~(e)-(d)]~~ (e) “Solid waste” has the meaning ascribed to it in NRS 444.490.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 362.

Bill read second time.

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

Amendment No. 421.

AN ACT relating to confidential information; authorizing any county manager in this State and certain ~~[social workers and]~~ other public employees, including social workers, who perform tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers to obtain court orders requiring a county assessor, county

recorder, the Secretary of State or a county or city clerk to maintain certain personal information in a confidential manner; authorizing such persons to request the Department of Motor Vehicles to display an alternate address on the person's driver's license, commercial driver's license or identification card; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to obtain a court order to require a county assessor, county recorder, the Secretary of State or a city or county clerk to maintain the personal information of the person contained in their records in a confidential manner. The person seeking the order must submit to the court a sworn affidavit that, among other things, sets forth sufficient justification for the request for confidentiality. (NRS 247.530, 250.130, 293.906) The persons authorized to obtain such orders include justices, judges, certain court personnel, certain prosecutors and state or county public defenders. Existing law also authorizes the spouse, domestic partner or minor child of any such person and the surviving spouse, domestic partner or minor child of any such person who was killed in the performance of his or her duties to obtain such orders. (NRS 247.540, 250.140, 293.908) **Sections 1-3** of this bill further authorize such orders to be obtained by **any county manager in this State and by any person, including a social worker, ~~for other person~~** employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.

Existing law authorizes certain persons to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card. (NRS 481.091) **Section 4** of this bill further authorizes any **county manager in this State and any person, including a social worker, ~~for other person~~** employed by this State or a political subdivision of this State who, as part of his or her normal job responsibilities, interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers to make such requests.

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

Section 1. NRS 247.540 is hereby amended to read as follows:

247.540 1. The following persons may request that the personal information described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of a county recorder be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.

(e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(g) **Any person, including without limitation, a social worker ~~for other person~~ employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:**

- (1) *Interacts with the public; and*
- (2) *Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.*

(h) Any county manager in this State.

(i) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(f), (g)]~~ **(h)**, inclusive.

~~[(h) (i)]~~ **(j)** The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~[(f), (g)]~~ **(h)**, inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 247.520 that is contained in the records of a county recorder be kept confidential.

3. *As used in this section:*

(a) *“Child protective services” has the meaning ascribed to it in NRS 432B.042.*

(b) *“Child welfare services” has the meaning ascribed to it in NRS 432B.044.*

(c) *“Social worker” means any person licensed under chapter 641B of NRS.*

Sec. 2. NRS 250.140 is hereby amended to read as follows:

250.140 1. The following persons may request that personal information described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of a county assessor be kept confidential:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of a court, court administrator or court executive officer in this State.
- (e) Any peace officer or retired peace officer.
- (f) Any prosecutor.
- (g) Any state or county public defender.

(h) ***Any person, including without limitation, a social worker, ~~for other person~~ employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities interacts with the public and performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.***

(i) ***Any county manager in this State.***

(j) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(g), (h),~~ (i), inclusive.

~~(i) (j)~~ (k) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~(g), (h),~~ (i), inclusive, who was killed in the performance of his or her duties.

2. Any nonprofit entity in this State that maintains a confidential location for the purpose of providing shelter to victims of domestic violence may request that the personal information described in subsection 4 of NRS 250.120 that is contained in the records of a county assessor be kept confidential.

3. As used in this section:

(a) ***“Child protective services” has the meaning ascribed to it in NRS 432B.042.***

(b) ***“Child welfare services” has the meaning ascribed to it in NRS 432B.044.***

(c) “Peace officer” means:

(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and

(2) Any person:

(I) Who resides in this State;

(II) Whose primary duties are to enforce the law; and

(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury.

~~(b)~~ (d) “Prosecutor” has the meaning ascribed to it in NRS 241A.030.

(e) ***“Social worker” means any person licensed under chapter 641B of NRS.***

Sec. 3. NRS 293.908 is hereby amended to read as follows:

293.908 The following persons may request that personal information contained in the records of the Secretary of State or a county or city clerk be kept confidential:

1. Any justice or judge in this State.

2. Any senior justice or senior judge in this State.

3. Any court-appointed master in this State.

4. Any clerk of a court, court administrator or court executive officer in this State.

5. Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (a) Crimes that are punishable as category A felonies; or
- (b) Domestic violence.

6. Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (a) Crimes that are punishable as category A felonies; or
- (b) Domestic violence.

7. ~~Any person, including without limitation, a social worker, for other person~~ ***employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:***

- (a) Interacts with the public; and***
- (b) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.***

8. ***Any county manager in this State;***

9. The spouse, domestic partner or minor child of a person described in subsections 1 to ~~6, 7, 8,~~ **8,** inclusive.

~~8, 9, 10.~~ **10.** The surviving spouse, domestic partner or minor child of a person described in subsections 1 to ~~6, 7, 8,~~ **8,** inclusive, who was killed in the performance of his or her duties.

~~10, 11.~~ **11.** *As used in this section:*

(a) ***“Child protective services” has the meaning ascribed to it in NRS 432B.042.***

(b) ***“Child welfare services” has the meaning ascribed to it in NRS 432B.044.***

(c) ***“Social worker” means any person licensed under chapter 641B of NRS.***

Sec. 4. NRS 481.091 is hereby amended to read as follows:

481.091 1. The following persons may request that the Department display an alternate address on the person’s driver’s license, commercial driver’s license or identification card:

- (a) Any justice or judge in this State.
- (b) Any senior justice or senior judge in this State.
- (c) Any court-appointed master in this State.
- (d) Any clerk of the court, court administrator or court executive officer in this State.
- (e) Any district attorney or attorney employed by the district attorney who as part of his or her normal job responsibilities prosecutes persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:

- (1) Crimes that are punishable as category A felonies; or
- (2) Domestic violence.

(g) *Any person, including without limitation, a social worker, ~~for other person~~ employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:*

(1) *Interacts with the public; and*

(2) *Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers.*

(h) *Any county manager in this State.*

(i) The spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~((f), (g))~~ (h), inclusive.

~~((h) - (i))~~ (j) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to ~~((f), (g))~~ (h), inclusive, who was killed in the performance of his or her duties.

2. A person who wishes to have an alternate address displayed on his or her driver's license, commercial driver's license or identification card pursuant to this section must submit to the Department satisfactory proof:

(a) That he or she is a person described in subsection 1; and

(b) Of the person's address of principal residence and mailing address, if different from the address of principal residence.

3. A person who obtains a driver's license, commercial driver's license or identification card that displays an alternate address pursuant to this section may subsequently submit a request to the Department to have his or her address of principal residence displayed on his or her driver's license, commercial driver's license or identification card instead of the alternate address.

4. The Department may adopt regulations to carry out the provisions of this section.

5. *As used in this section:*

(a) *"Child protective services" has the meaning ascribed to it in NRS 432B.042.*

(b) *"Child welfare services" has the meaning ascribed to it in NRS 432B.044.*

(c) *"Social worker" means any person licensed under chapter 641B of NRS.*

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

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

Amendment No. 606.

AN ACT relating to manufactured homes; authorizing the issuance of a certificate of ownership for a manufactured home, mobile home or commercial coach under certain circumstances; providing for the automatic transfer of

certain manufactured homes, mobile homes and commercial coaches to designated beneficiaries upon the death of the owner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a person applying for a certificate of ownership for a manufactured home, mobile home or commercial coach from the Housing Division of the Department of Business and Industry cannot present the certificate of ownership previously issued, the Division may receive the application, examine the circumstances of the case and require the filing of affidavits or other information. The Division may issue a certificate of ownership to the applicant when the Division is satisfied the applicant is entitled to such a certificate. (NRS 489.561) **Section 2** of this bill authorizes a person who is unable to provide information satisfactory to the Division that the person is entitled to a certificate of ownership to obtain a new certificate of ownership by: (1) filing a bond with the Division in an amount equal to **one and one-half times** the **assessed** value of the manufactured home, mobile home or commercial coach; and (2) allowing the Division to inspect the manufactured home, mobile home or commercial coach for compliance with certain safety standards. Such a bond must be conditioned to indemnify prior and subsequent owners or lienholders of the manufactured home, mobile home or commercial coach against any expense, loss or damage because of the issuance of the certificate of ownership, or because of any defect in or undisclosed security interest in the applicant's right or title to the manufactured home, mobile home or commercial coach or the applicant's interest in the manufactured home, mobile home or commercial coach. ~~[The bond must be returned by the Division at the end of 3 years, unless the Division has been notified of the pendency of an action to recover on the bond.]~~ **Section 2** also abolishes any right of action against the Division for taking certain actions or failing to act in providing a certificate of ownership pursuant to that section. **Section 5** of this bill makes a conforming change.

Existing law provides for nonprobate transfer of certain property from the owner to a named beneficiary, including, without limitation, nonprobate transfers of certain motor vehicles for which the owner has obtained a certificate of title in beneficiary form from the Department of Motor Vehicles. (NRS 482.247) **Section 3** of this bill authorizes the owner or owners of a manufactured home, mobile home or commercial coach to request a certificate of ownership in beneficiary form from the Housing Division of the Department of Business and Industry which directs the Division to transfer the certificate of ownership to a designated beneficiary upon the death of the owner. **Section 3** also provides procedures for obtaining and revoking a certificate of ownership in beneficiary form, and specifies that a transfer of ownership made by a certificate of ownership in beneficiary form is not subject to the statutes governing probate matters. **Section 4** of this bill makes a conforming change. **Section 4** also ~~removes the requirement in existing law~~ **requires** that the ~~signature~~ **signature of the person whose title or interest is to be**

transferred on a transfer of title to or the interest in a manufactured home, mobile home or commercial coach be notarized. (NRS 489.551) **Section 3.5 of this bill requires the Administrator of the Housing Division to adopt regulations pertaining to the issuance of the bonded certificates of ownership and the certificates of ownership in beneficiary form provided for in sections 2 and 3.**

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

Section 1. Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~and 3~~ **and 3.5** of this act.

Sec. 2. 1. *If an applicant who is seeking a certificate of ownership is unable to provide the information required by the Division pursuant to NRS 489.561 and satisfy the Division that the applicant is entitled to a certificate of ownership pursuant to that section, the applicant may obtain a new certificate of ownership from the Division by:*

(a) Filing a bond with the Division that meets the requirements of subsection 3; and

(b) Allowing the Department to inspect the manufactured home, mobile home or commercial coach for compliance with the safety standards and other requirements provided in regulations adopted by the Administrator pursuant to NRS 489.251.

2. Any person damaged by the issuance of a certificate of ownership pursuant to this section has a right of action to recover on the bond for any breach of its conditions, except the aggregate liability of the surety to all persons must not exceed the amount of the bond. ~~[The Division shall return the bond, and any deposit accompanying it, 3 years after the bond was filed with the Division, except that the Division shall not return the bond if the Division has been notified of the pendency of an action to recover on the bond.]~~

3. The bond required pursuant to subsection 1 must be:

(a) In a form prescribed by the Division;

(b) Executed by the applicant as principal and by a corporation qualified under the laws of this State as surety;

(c) In an amount equal to one and one-half times the most recent ~~amount paid for~~ assessed value assigned by the relevant county assessor to the manufactured home, mobile home or commercial coach; and

(d) Conditioned to indemnify any:

(1) Prior owner or lienholder of the manufactured home, mobile home or commercial coach, and his or her successors in interest;

(2) Subsequent purchaser of the manufactured home, mobile home or commercial coach, and his or her successors in interest; or

(3) Person acquiring a security interest in the manufactured home, mobile home or commercial coach, and his or her successors in interest,

↪ *against any expense, loss or damage because of the issuance of the certificate of ownership or because of any defect in or undisclosed security interest in the applicant's right or title to the manufactured home, mobile home or commercial coach or the applicant's interest in the manufactured home, mobile home or commercial coach.*

4. *A right of action does not exist in favor of any person by reason of any action or failure to act on the part of the Division or any officer or employee thereof in carrying out the provisions of this section, or in giving or failing to give any information concerning the legal ownership of a manufactured home, mobile home or commercial coach or the existence of a certificate of ownership obtained pursuant to this section.*

Sec. 3. 1. *The owner or joint owners of a manufactured home, mobile home or commercial coach may request the Department to issue a certificate of ownership in beneficiary form for the manufactured home, mobile home or commercial coach, as applicable, which includes a directive to the Department to transfer the certificate of ownership upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of ownership.*

2. *A request made pursuant to subsection 1 must be submitted on an application made available by the Department and must:*

(a) Contain a notarized signature of the owner or each joint owner; and
(b) Be accompanied by the fee for the issuance of a certificate of ownership.

3. *A certificate of ownership in beneficiary form may not be issued to a person who holds an interest in a manufactured home, mobile home or commercial coach as a tenant in common with another person.*

4. *A certificate of ownership in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.*

5. *During the lifetime of a sole owner or before the death of the last surviving joint owner:*

(a) The signature or consent of the beneficiary is not required for any transaction relating to a manufactured home, mobile home or commercial coach for which a certificate of ownership in beneficiary form has been issued; and

(b) The certificate of ownership in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the manufactured home, mobile home or commercial coach with proper assignment and delivery of the certificate of ownership to another person; or

(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.

6. *The interest of the beneficiary in a manufactured home, mobile home or commercial coach on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the manufactured home, mobile home or commercial coach were subject during their lifetime.*

7. *Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of ownership in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.*

8. *The Department shall, upon:*

(a) *Proof of death of one of the owners, of two or more joint owners or of a sole owner; and*

(b) ~~*Surrender of the outstanding certificate of ownership in beneficiary form; and*~~

~~*(c) Application and payment*~~ *Payment of the fee for a certificate of ownership,*

↪ issue a new certificate of ownership for the manufactured home, mobile home or commercial coach to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. *For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.*

10. *The transfer on death of a manufactured home, mobile home or commercial coach pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.*

11. *As used in this section:*

(a) *“Beneficiary” means a person or persons designated to become the owner or owners of a manufactured home, mobile home or commercial coach on the death of the preceding owner or owners.*

(b) *“Certificate of ownership in beneficiary form” means a certificate of ownership of a manufactured home, mobile home or commercial coach that indicates the present owner or owners of the manufactured home, mobile home or commercial coach and designates a beneficiary.*

Sec. 3.5. *The Administrator shall adopt regulations pertaining to:*

1. *The issuance of a certificate of ownership pursuant to section 2 of this act; and*

2. *The issuance and revocation of a certificate of ownership in beneficiary form and a change in beneficiary for such a certificate of ownership pursuant to section 3 of this act.*

Sec. 4. NRS 489.551 is hereby amended to read as follows:

489.551 ~~*Upon*~~ *Except as otherwise provided in section 3 of this act, upon* a transfer of the title to or the interest of an owner in a manufactured home, mobile home or commercial coach for which a certificate of ownership

is issued pursuant to the provisions of this chapter, the person whose title or interest is to be transferred and the transferee shall write their signatures with ink upon the certificate of ownership issued for the manufactured home, mobile home or commercial coach, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. ~~Each~~ *The signature of the person whose title or interest is to be transferred that is written upon a certificate of ownership pursuant to the provisions of this section must be notarized.*

Sec. 5. NRS 489.561 is hereby amended to read as follows:

489.561 Whenever an application is made to the Division for title of a manufactured home, mobile home or commercial coach previously titled and the applicant is unable to present the certificate of ownership previously issued because it is lost or being unlawfully detained by one in possession or is not otherwise available, the Division may receive the application and examine the circumstances of the case and require the filing of affidavits or other information. When the Division is satisfied that the applicant is entitled to a certificate of ownership, *or pursuant to section 2 of this act*, it may issue the certificate on the manufactured home, mobile home or commercial coach.

Sec. 6. 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 Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

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

Amendment No. 594.

AN ACT relating to common-interest communities; revising provisions governing **foreclosure of** a unit-owners' association's lien on a unit for certain amounts due to the association; ~~providing that certain actions relating to amounts due to the association are not subject to mandatory alternative dispute resolution processes and must be adjudicated as small claims;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a unit-owners' association has a lien on a unit for certain amounts due to the association and may foreclose its lien through a nonjudicial foreclosure sale. (NRS 116.3116-116.31168) ~~Generally, the association's lien is not prior to a first security interest on the unit recorded before the date on which the amount sought to be enforced became delinquent. However, the association's lien is prior to the first security interest on the unit to the extent~~

~~of certain maintenance and abatement charges and a certain amount of assessments for common expenses. The portion of the association's lien that is prior to the first security interest on the unit is commonly referred to as the "super priority lien." (NRS 116.3116) Section 2 of this bill eliminates the super priority lien, and sections 1 and 3.5 of this bill make conforming changes.~~

~~Existing law provides that before commencing a civil action relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association or the procedures used for increasing, decreasing or imposing additional assessments upon residential property, a dispute must first be submitted to mediation or, if the parties agree, referred to a program established by the Real Estate Division of the Department of Business and Industry for a decision by a referee or hearing officer. (NRS 38.310) Section 6 of this bill exempts from such mandatory mediation or such a program actions brought to collect any sums for which a lien is created against a unit's owner under existing law, which would include sums for certain assessments, construction penalties, fines, fees, charges, late charges, interest and costs of collecting a past due obligation. Sections 2 and 7 of this bill provide that such actions must be: (1) commenced in the justice court; (2) treated as small claims; and (3) tried within 45 days after the summons and complaint are served on the defendant.~~ **Existing law provides that before foreclosing a lien by sale and selling the unit, the association or other person conducting the sale must give notice of the time and place of the sale by recording the notice of sale and by taking certain other actions designed to notify the unit's owner and other persons of the sale. (NRS 116.311635) Section 1.5 of this bill provides that, notwithstanding any other provision of law, the association or other person conducting the sale may not record the notice of sale or take the other actions described in the statute that are necessary to proceed with the foreclosure sale unless the unit's owner is delinquent on a total of at least 12 months' worth of assessments for common expenses at the time of recording the notice of sale.**

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

Section 1. ~~{NRS 116.310312 is hereby amended to read as follows:
116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:
(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or
(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.~~

~~2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:~~

~~(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal;~~

~~(b) Remove or abate a public nuisance on the exterior of the unit which:~~

~~(1) Is visible from any common area of the community or public streets;~~

~~(2) Threatens the health or safety of the residents of the common interest community;~~

~~(3) Results in blighting or deterioration of the unit or surrounding area; and~~

~~(4) Adversely affects the use and enjoyment of nearby units.~~

~~3. If:~~

~~(a) A unit is vacant;~~

~~(b) The association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031; and~~

~~(c) The association or its employee, agent or community manager mails a notice of the intent of the association, including its employees, agents and community manager, to maintain the exterior of the unit or abate a public nuisance, as described in subsection 2, by certified mail to each holder of a recorded security interest encumbering the interest of the unit's owner, at the address of the holder that is provided pursuant to NRS 657.110 on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry;~~

~~the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance, as described in subsection 2, if the unit's owner refuses or fails to do so.~~

~~4. If a unit is in a building that contains units divided by horizontal boundaries described in the declaration, or vertical boundaries that comprise common walls between units, and the unit is vacant, the association, including its employees, agents and community manager, may enter the grounds and interior of the unit to:~~

~~(a) Abate a water or sewage leak in the unit and remove any water or sewage from the unit that is causing damage or, if not immediately abated, may cause damage to the common elements or another unit if the unit's owner refuses or fails to abate the water or sewage leak.~~

~~—(b) After providing the unit's owner with notice but before a hearing in accordance with the provisions of NRS 116.31031:~~

~~—(1) Remove any furniture, fixtures, appliances and components of the unit, including, without limitation, flooring, baseboards and drywall, that were damaged as a result of water or mold damage resulting from a water or sewage leak to the extent such removal is reasonably necessary because water or mold damage threatens the health or safety of the residents of the common interest community, results in blighting or deterioration of the unit or the surrounding area and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage.~~

~~—(2) Remediate or remove any water or mold damage in the unit resulting from the water or sewage leak to the extent such remediation or removal is reasonably necessary because the water or mold damage threatens the health or safety of the residents of the common interest community, results in blighting or deterioration of the unit or the surrounding area and adversely affects the use and enjoyment of nearby units, if the unit's owner refuses or fails to remediate or remove the water or mold damage.~~

~~—5. After the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association may order that the costs of any maintenance or abatement or the reasonable costs of remediation or removal conducted pursuant to subsection 2, 3 or 4, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~

~~—6. A lien described in subsection 5 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.~~

~~—7. [Except as otherwise provided in this subsection, a lien described in subsection 5 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.~~

~~—8.] A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common interest community in accordance with the governing documents pursuant to this chapter.~~

~~[9.] 8. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds or interior of a unit pursuant to this section are not liable for trespass.~~

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

~~(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit, the exterior of all property exclusively owned by the unit owner and the exterior of all property that the unit owner is obligated to maintain pursuant to the declaration.~~

~~(b) "Remediation" does not include restoration.~~

~~(c) "Vacant" means a unit:~~

~~(1) Which reasonably appears to be unoccupied;~~

~~(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents of the association; and~~

~~(3) On which the owner has failed to pay assessments for more than 60 days.] (Deleted by amendment.)~~

Sec. 1.5. NRS 116.311635 is hereby amended to read as follows:

116.311635 1. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** association or other person conducting the sale shall also, after the expiration of the 90-day period described in paragraph (c) of subsection 1 of NRS 116.31162 and before selling the unit, give notice of the time and place of the sale by recording the notice of sale and by:

(a) Posting a similar notice particularly describing the unit, for 20 days consecutively, in a public place in the county where the unit is situated;

(b) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the unit is situated;

(c) Notifying the unit's owner or his or her successor in interest as follows:

(1) A copy of the notice of sale must be mailed, on or before the date of first publication or posting, by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and to the address of the unit; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(d) Mailing, on or before the date of first publication or posting, a copy of the notice by certified mail to:

(1) Each person entitled to receive a copy of the notice of default and election to sell notice under subsection 1 of NRS 116.31163;

(2) The holder of a security interest recorded before the mailing of the notice of sale, at the address of the holder that is provided pursuant to NRS 657.110 on the Internet website maintained by the Division of Financial Institutions of the Department of Business and Industry; and

(3) The Ombudsman.

2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:

(a) The amount necessary to satisfy the lien as of the date of the proposed sale; and

(b) The following warning in 14-point bold type:

WARNING! A SALE OF YOUR PROPERTY IS IMMINENT! UNLESS YOU PAY THE AMOUNT SPECIFIED IN THIS NOTICE BEFORE THE SALE DATE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE. YOU MUST ACT BEFORE THE SALE DATE. IF YOU HAVE ANY QUESTIONS, PLEASE CALL (name and telephone number of the contact person for the association). IF YOU NEED ASSISTANCE, PLEASE CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY.

4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United States Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit.

5. Notwithstanding any other provision of law, the association or other person conducting the sale may not record the notice of sale or take the other actions described in this section that are necessary to proceed with the foreclosure sale unless the unit's owner is delinquent on a total of at least 12 months' worth of assessments for common expenses at the time of recording the notice of sale.

Sec. 2. ~~NRS 116.3116 is hereby amended to read as follows:~~

~~116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310205, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 and any costs of collecting a past due obligation charged pursuant to NRS 116.310313 are enforceable as~~

assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

~~2. A lien under this section is prior to all other liens and encumbrances on a unit except:~~

~~(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;~~

~~(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; [; except that a lien under this section is prior to a security interest described in this paragraph to the extent set forth in subsection 3;]~~

~~(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative; and~~

~~(d) Liens for any fee or charge levied pursuant to subsection 1 of NRS 444.520.~~

~~3. [A lien under this section is prior to all security interests described in paragraph (b) of subsection 2 to the extent of:~~

~~(a) Any charges incurred by the association on a unit pursuant to NRS 116.310312;~~

~~(b) The unpaid amount of assessments, not to exceed an amount equal to assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding the date on which the notice of default and election to sell is recorded pursuant to paragraph (b) of subsection 1 of NRS 116.31162; and~~

~~(c) The costs incurred by the association to enforce the lien in an amount not to exceed the amounts set forth in subsection 5;~~

~~unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) of subsection 2 must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162 or the institution of a judicial action to enforce the lien.~~

~~4.] This section does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.~~

~~[5.] 4. The amount of the costs of enforcing the association's lien that are prior to the security interest described in paragraph (b) of subsection 2 must not exceed the actual costs incurred by the association, must not include more than one trustee's sale guaranty and must not exceed:~~

~~—(a) For a demand or intent to lien letter, \$150.~~

~~—(b) For a notice of delinquent assessment, \$325.~~

~~—(c) For an intent to record a notice of default letter, \$90.~~

~~—(d) For a notice of default, \$400.~~

~~—(e) For a trustee's sale guaranty, \$400.~~

~~— No costs of enforcing the association's lien, other than the costs described in this subsection, and no amount of attorney's fees may be included in the amount of the association's lien that is prior to the security interest described in paragraph (b) of subsection 2.~~

~~[6.] 5. Notwithstanding any other provision of law, an association, or member of the executive board, officer, employee or unit's owner of the association, acting under the authority of this chapter or the governing documents of the association, or the community manager of the association, or any employee, agent or affiliate of the community manager, while engaged in the management of the common interest community governed by the association, is not required to be licensed as a collection agency pursuant to chapter 649 of NRS or hire or contract with a collection agency licensed pursuant to chapter 649 of NRS to collect amounts due to the association in accordance with subsection 1 before the recording of a notice of default and election to sell pursuant to paragraph (b) of subsection 1 of NRS 116.31162.~~

~~[7.] 6. The holder of the security interest described in paragraph (b) of subsection 2 or the holder's authorized agent may establish an escrow account, loan trust account or other impound account for advance contributions for the payment of assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 if the unit's owner and the holder of that security interest consent to the establishment of such an account. If such an account is established, payments from the account for assessments for common expenses must be made in accordance with the same due dates as apply to payments of such assessments by a unit's owner.~~

~~[8.] 7. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.~~

~~[9.] 8. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.~~

~~[10.] 9. A lien for unpaid assessments is extinguished unless a notice of default and election to sell is recorded as required by paragraph (b) of subsection 1 of NRS 116.31162, or judicial proceedings to enforce the lien are instituted, within 3 years after the full amount of the assessments becomes due.~~

~~[11.] 10. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu~~

~~of foreclosure. **Such actions must be commenced in the justice court and adjudicated in accordance with the provisions of chapter 73 of NRS relating to small claims.**~~

~~— [12.] 11. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.~~

~~— [13.] 12. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.~~

~~— [14.] 13. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:~~

~~— (a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive;~~

~~— (b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:~~

~~— (1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or~~

~~— (2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~

~~— [15.] 14. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.~~

~~— [16.] 15. Notwithstanding any other provision of law, any payment of an amount due to an association in accordance with subsection 1 by the holder of any lien or encumbrance on a unit that is subordinate to the association's lien under this section becomes a debt due from the unit's owner to the holder of the lien or encumbrance. **(Deleted by amendment.)**~~

~~Sec. 3. [NRS 116.31162 is hereby amended to read as follows:~~

~~— 116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to~~

~~116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:~~

~~— (a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit or, if authorized by the parties, delivered by electronic transmission, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.~~

~~— (b) Not less than 30 days after mailing or delivering by electronic transmission the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:~~

~~— (1) Describe the deficiency in payment.~~

~~— (2) State the total amount of the deficiency in payment. [, with a separate statement of:~~

~~— (I) The amount of the association's lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;~~

~~— (II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;~~

~~— (III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and~~

~~— (IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.]~~

~~— (3) [State that:~~

~~— (I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and~~

~~— (II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.~~

~~—(4) State the name and address of the person authorized by the association to enforce the lien by sale.~~

~~—[(5)] (4) Contain, in 14-point bold type, the following warning:~~

~~WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!~~

~~—(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.~~

~~—(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.~~

~~—(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:~~

~~—(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and~~

~~—(2) The address at which the notices were mailed to each such holder of a security interest.~~

~~—2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.~~

~~—3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:~~

~~—(a) The date on which the notice of default and election to sell is recorded;~~

~~or~~

~~—(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested or delivered by electronic transmission, as applicable, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,~~

~~whichever date occurs later.~~

~~4. An association may not mail or deliver by electronic transmission to a unit's owner or his or her successor in interest a letter of its intent to mail or deliver by electronic transmission a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail or deliver by electronic transmission the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless the association has complied with the provisions of subsections 4 and 5 of NRS 116.311625 and:~~

~~(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner or, if authorized by the parties, delivers by electronic transmission:~~

~~(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;~~

~~(2) A proposed repayment plan; and~~

~~(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and~~

~~(b) Within 30 days after the date on which the information described in paragraph (a) is mailed or delivered by electronic transmission, as applicable, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed or delivered by electronic transmission, as applicable, and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.~~

~~5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635.~~

~~6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:~~

~~(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common interest community; or~~

~~(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.~~

~~7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:~~

~~—(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or~~

~~—(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 11 of NRS 107.086.] (Deleted by amendment.)~~

Sec. 4. ~~NRS 116.31164 is hereby amended to read as follows:~~

~~—116.31164 1. The sale must be conducted in accordance with the provisions of this section.~~

~~—2. If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale may not occur unless a record of such satisfaction is recorded in the office of the county recorder of the county in which the unit is located not later than 2 days before the date of sale.~~

~~—3.] The sale must be made between the hours of 9 a.m. and 5 p.m. and:~~

~~—(a) If the unit is located in a county whose population is less than 100,000, at the courthouse in the county in which the unit is located.~~

~~—(b) If the unit is located in a county whose population is 100,000 or more, at the public location in the county designated by the governing body of the county to conduct a sale of real property pursuant to NRS 107.080.~~

~~—[4.] 3. The sale may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State.~~

~~—[5.] 4. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale, except that:~~

~~—(a) If the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location; and~~

~~—(b) If such a date has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 116.311635.~~

~~—[6.] 5. On the day of sale, at the time and place specified in the notice, the person conducting the sale [:~~

~~—(a) Shall state to the persons assembled for the sale whether or not the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 has satisfied the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116.~~

~~—(b) May] may sell the unit at public auction to the highest cash bidder. Except as otherwise provided in this subsection, the person conducting the sale or any entity in which that person holds an interest may not become a purchaser~~

~~at the sale. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.~~

~~[7.] 6. After the sale, the person conducting the sale shall:~~

~~(a) Comply with the provisions of subsection 2 of NRS 116.31166; and~~

~~(b) Apply the proceeds of the sale for the following purposes in the following order:~~

~~(1) The reasonable expenses of sale;~~

~~(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~(3) Satisfaction of the association's lien;~~

~~(4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~(5) Remittance of any excess to the unit's owner.] (Deleted by amendment.)~~

Sec. 5. ~~NRS 116.31166 is hereby amended to read as follows:~~

~~116.31166 1. Every sale of a unit pursuant to NRS 116.31162 to 116.31168, inclusive, vests in the purchaser the title of the unit's owner subject to the right of redemption provided by this section. If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.31166 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale of the unit does not extinguish that security interest to any extent.]~~

~~2. After the sale conducted pursuant to NRS 116.31164, the person conducting the sale shall:~~

~~(a) Give to the purchaser a certificate of the sale containing:~~

~~(1) A particular description of the unit sold;~~

~~(2) The price bid for the unit;~~

~~(3) The whole price paid; and~~

~~(4) A statement that the unit is subject to redemption; and~~

~~(b) Record a copy of the certificate in the office of the county recorder of the county in which the unit or part of it is located.~~

~~3. A unit sold pursuant to NRS 116.31162 to 116.31168, inclusive, may be redeemed by the unit's owner whose interest in the unit was extinguished by the sale, or his or her successor in interest, or any holder of a recorded security interest that is subordinate to the lien on which the unit was sold, or that holder's successor in interest. The unit's owner whose interest in the unit was extinguished, the holder of the recorded security interest on the unit or a successor in interest of those persons may redeem the property at any time within 60 days after the sale by paying:~~

~~—(a) The purchaser the amount of his or her purchase price, with interest at the rate of 1 percent per month thereon in addition, to the time of redemption, plus:~~

~~—(1) The amount of any assessment, taxes or payments toward liens which were created before the purchase and which the purchaser may have paid thereon after the purchase, and interest on such amount;~~

~~—(2) If the purchaser is also a creditor having a prior lien to that of the redemptioner, other than the association's lien under which the purchase was made, the amount of such lien, and interest on such amount; and~~

~~—(3) Any reasonable amount expended by the purchaser which is reasonably necessary to maintain and repair the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal; and~~

~~—(b) If the redemptioner is the holder of a recorded security interest on the unit or the holder's successor in interest, the amount of any lien before his or her own lien, with interest, but the association's lien under which the unit was sold is not required to be so paid as a lien.~~

~~—4. Notice of redemption must be served by the person redeeming the unit on the person who conducted the sale and on the person from whom the unit is redeemed, together with:~~

~~—(a) If the person redeeming the unit is the unit's owner whose interest in the unit was extinguished by the sale or his or her successor in interest, a certified copy of the deed to the unit and, if the person redeeming the unit is the successor of that unit's owner, a copy of any document necessary to establish that the person is the successor of the unit's owner.~~

~~—(b) If the person redeeming the unit is the holder of a recorded security interest on the unit or the holder's successor in interest:~~

~~—(1) An original or certified copy of the deed of trust securing the unit or a certified copy of any other recorded security interest of the holder.~~

~~—(2) A copy of any assignment necessary to establish the claim of the person redeeming the unit, verified by the affidavit of that person, or that person's agent, or of a subscribing witness thereto.~~

~~—(3) An affidavit by the person redeeming the unit, or that person's agent, showing the amount then actually due on the lien.~~

~~—5. If the unit's owner whose interest in the unit was extinguished by the sale redeems the property as provided in this section:~~

~~—(a) The effect of the sale is terminated, and the unit's owner is restored to his or her interest in the unit, subject to any security interest on the unit that existed at the time of sale; and~~

~~—(b) The person to whom the redemption amount was paid must execute and deliver to the unit's owner a certificate of redemption, acknowledged or approved before a person authorized to take acknowledgments of conveyances of real property, and the certificate must be recorded in the office of the recorder of the county in which the unit or part of the unit is situated.~~

~~6. If the holder of a recorded security interest redeems the unit as provided in this section and the period for a redemption set forth in subsection 3 has expired, the person conducting the sale shall:~~

~~(a) Make, execute and, if the amount required to redeem the unit is paid to the person from whom the unit is redeemed, deliver to the person who redeemed the unit or his or her successor or assign, a deed without warranty which conveys to the person who redeemed the unit all title of the unit's owner to the unit; and~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the person who redeemed the unit, or his or her successor or assign.~~

~~7. If no redemption is made within 60 days after the date of sale, the person conducting the sale shall:~~

~~(a) Make, execute and, if payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the purchaser all title of the unit's owner to the unit; and~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign.~~

~~8. The recitals in a deed made pursuant to subsection 6 or 7 of:~~

~~(a) Default, the mailing of the notice of delinquent assessment, and the mailing and recording of the notice of default and election to sell;~~

~~(b) The elapsing of the 90 day period set forth in paragraph (c) of subsection 1 of NRS 116.31162;~~

~~(c) The recording, mailing, publishing and posting of the notice of sale;~~

~~(d) The failure to pay the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116 before the expiration of the period described in paragraph (d) of subsection 1 of NRS 116.31162; and~~

~~(e) The recording of the affidavit required to be recorded pursuant to paragraph (e) of subsection 1 of NRS 116.31162;~~

~~are conclusive proof of the matters recited.~~

~~9. A deed containing the recitals set forth in subsection 8 is conclusive against the unit's former owner, his or her heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.~~

~~10. Upon the expiration of the redemption period set forth in subsection 3, any failure to comply with the provisions of NRS 116.3116 to 116.31168, inclusive, does not affect the rights of a bona fide purchaser or bona fide encumbrancer for value. (Deleted by amendment.)~~

Sec. 6. [NRS 38.310 is hereby amended to read as follows:

~~38.310 1. [No] Except as otherwise provided in subsection 2, no civil action based upon a claim relating to:~~

~~(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or~~

~~(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property;~~

~~may be commenced in any court in this State unless the action has been submitted to mediation or, if the parties agree, has been referred to a program pursuant to the provisions of NRS 38.300 to 38.360, inclusive, and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.~~

~~2. Subsection 1 does not apply to a civil action brought pursuant to subsection 10 of NRS 116.3116 to recover sums for which subsection 1 of NRS 116.3116 creates a lien.~~

~~3. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 73.010 is hereby amended to read as follows:~~

~~73.010 [In]~~

~~1. Except as otherwise provided in subsection 2, in all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed \$10,000 and the defendant named:~~

~~[1.] (a) Is a resident of;~~

~~[2.] (b) Does business in; or~~

~~[3.] (c) Is employed in;~~

~~the township in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.~~

~~2. In all cases brought pursuant to subsection 10 of NRS 116.3116 to recover sums for which subsection 1 of NRS 116.3116 creates a lien, regardless of the sum sought to be recovered, the justice of the peace may proceed as provided in this chapter and by rules of court, except that:~~

~~(a) The provisions of this chapter relating to the awarding of costs and attorney's fees do not apply; and~~

~~(b) Notwithstanding any other provision of law to the contrary, the court shall hear and decide such cases within 45 days after the date on which the summons and complaint is served on the defendant.] (Deleted by amendment.)~~

Sec. 8. ~~[1. Except as otherwise provided in subsection 2, the] The amendatory provisions of [sections 1 to 5, inclusive, of] this act apply to a lien [that is created:~~

~~(a) Before July 1, 2019, if a notice of default and election to sell have not been recorded as of July 1, 2019.~~

~~(b) On] **for which a notice of default and election to sell is filed on** or after July 1, 2019.~~

~~[2. Subsection 10 of NRS 116.3116, as amended by section 2 of this act, and the amendatory provisions of sections 6 and 7 of this act apply to an action~~

~~to recover a sum for which subsection 1 of NRS 116.3116 creates a lien that is commenced on or after July 1, 2019.~~

Sec. 9. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

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

Amendment No. 496.

~~ASSEMBLYMAN~~ **ASSEMBLYMEN FRIERSON; MCCURDY AND WATTS**

AN ACT relating to student education loans; providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions; providing for the designation of a Student Loan Ombudsman within the ~~Division of Financial Institutions of the Department of Business and Industry~~ **Office of the State Treasurer** and prescribing the powers and duties relating to that position; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commissioner of Financial Institutions to supervise and control various financial institutions, lenders and fiduciaries, including, without limitation, banks, credit unions, payday lenders and trust companies. (Chapter 604A of NRS, titles 55 and 56 of NRS) **Sections 2-36** of this bill add a new chapter to NRS to provide for ~~1) the licensing and regulation of student loan servicers by the Commissioner . 2) and (2) the designation of a Student Loan Ombudsman within the Division of Financial Institutions of the Department of Business and Industry to assist student loan borrowers.~~

Sections 3-10 of this bill define terms used in the new chapter. In particular, **section 6** of this bill defines a "student education loan" as a loan primarily for personal use to finance education or other school-related expenses. **Section 7** of this bill defines a "student loan borrower" as a resident of this State who receives or agrees to pay a student education loan, or any person who shares responsibility with such a resident for repaying the student education loan. **Section 9** of this bill defines a "student loan servicer" as a person responsible for servicing a student education loan, whether the person is licensed pursuant to the new chapter of NRS or exempt from licensure pursuant to the new chapter of NRS. **Section 10** of this bill defines "student loan servicing" or "servicing" as receiving scheduled payments, applying payments to principal and interest and performing ~~any~~ **certain** other administrative tasks with regard to student education loans.

Sections 11 and 14 of this bill provide for: (1) the Commissioner to designate a Student Loan Ombudsman within the ~~Division~~ **Office of the**

State Treasurer to assist student loan borrowers; (2) the powers and duties of the Student Loan Ombudsman; and (3) the ~~{Commissioner}~~ **State Treasurer** to report to the Legislature concerning the Student Loan Ombudsman and the regulation of student loan servicers. **Section 15** of this bill provides for money received pursuant to the new chapter to be accounted for separately and used for the ~~{purposes of the Student Loan Ombudsman and the}~~ regulation of student loan servicers.

Sections 16-21, 25 and 34 of this bill set forth requirements relating to the licensing of student loan servicers. In particular, **section 16** of this bill prohibits a person from acting as a student loan servicer without obtaining a license from the Commissioner to do so, and also sets forth the persons exempted from this licensure requirement. **Section 17** of this bill sets forth various requirements for applying for a license, including, without limitation, the payment of a license fee and an investigation fee. **Section 34** of this bill provides that all fees paid are nonrefundable. **Section 20.5 of this bill requires the Commissioner to issue a license to persons who engage in student loan servicing in this State pursuant to certain contracts with the federal government without requiring those persons to comply with the standard requirements for the issuance of a license. Section 20.5: (1) requires persons who are issued such a license to comply with other relevant provisions of law; and (2) provides for the expiration of such a license not later than 37 days after the expiration, revocation or termination of the federal contract that provided the basis for the issuance of the license.**

Sections 22-24 and 26-28 of this bill set forth requirements governing the business practices and other actions of student loan servicers. Specifically, **section 22** of this bill sets forth requirements applicable to a licensee ceasing to engage in the business of student loan servicing in this State. **Section 23** of this bill sets forth requirements applicable to a person who provides a check or other method of payment to the Commissioner which is returned or otherwise dishonored. **Section 24** of this bill requires licensees and applicants for licenses to notify the Commissioner of any changes in certain information provided to the Commissioner. **Sections 26 and 27** of this bill set forth requirements concerning business names, business locations and recordkeeping relating to student loan servicers and student education loans. **Section 28** of this bill prohibits a student loan servicer from engaging in specified conduct, including, without limitation, engaging in unfair or deceptive practices, knowingly misapplying payments, negligently making certain false statements or knowingly and willfully making certain omissions of material facts.

Sections 29-32 of this bill: (1) authorize the Commissioner to conduct investigations and examinations relating to student loan servicers and student education loans; (2) authorize the Commissioner to retain certain professionals and specialists, enter into certain agreements and use certain resources for the purposes of investigations and examinations; (3) describe the scope of the authority of the Commissioner with regard to investigations and examinations;

and (4) prohibit a student loan servicer or other person under examination or investigation from knowingly withholding or otherwise preventing access to information relating to the examination or investigation. **Section 12.5 of this bill authorizes the Student Loan Ombudsman designated pursuant to section 36.6 of this bill or a member of the public to submit a complaint concerning a student loan servicer to the Division of Financial Institutions of the Department of Business and Industry for investigation.**

Section 33 of this bill sets forth grounds upon which the Commissioner may deny an application for a license or suspend, revoke or refuse to renew a license. **Section 35** of this bill requires a student loan servicer to comply with certain federal laws and regulations, and deems a violation of those federal laws or regulations to be a violation of Nevada law upon which the Commissioner may act.

Section 36 of this bill requires the Commissioner to adopt regulations for the new chapter of NRS.

Sections 36.6-36.9 of this bill provide for: (1) the State Treasurer to designate a Student Loan Ombudsman within the Office of the State Treasurer to assist student loan borrowers; (2) the powers and duties of the Student Loan Ombudsman; and (3) the State Treasurer to report to the Legislature concerning the Student Loan Ombudsman and the regulation of student loan servicers.

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

Section 1. Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 36, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to ~~9~~ 10, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 3. 1. *“Control person” means:*

(a) An executive officer, director, general partner, trustee, member, qualified employee or shareholder of a student loan servicer, licensee or applicant for a license; or

(b) A person who is authorized to participate in direct or indirect control of the management or policies of a student loan servicer, licensee or applicant for a license.

2. *As used in this section, “executive officer” means an officer, manager, partner or managing member of a student loan servicer, licensee or applicant for a license. The term includes, without limitation, a chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer or a natural person who holds any similar position.*

Sec. 4. *“License” means a license issued by the Commissioner pursuant to this chapter.*

Sec. 5. “Licensee” means a student loan servicer licensed by the Commissioner pursuant to this chapter.

Sec. 6. “Student education loan” means any loan primarily for personal use to finance education or other school-related expenses.

Sec. 7. “Student loan borrower” means:

1. Any resident of this State who receives or agrees to pay a student education loan; and

2. Any person who shares responsibility with such a resident for repaying the student education loan.

Sec. 8. ~~“Student Loan Ombudsman” means the Student Loan Ombudsman designated by the Commissioner pursuant to section 11 of this act.~~ (Deleted by amendment.)

Sec. 9. “Student loan servicer” means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower. The term includes each licensee and each person who engages in student loan servicing without a license pursuant to subsection 2 of section 16 of this act.

Sec. 10. “Student loan servicing” or “servicing” means:

1. Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan ~~or~~

~~2. Applying or any notification that a student loan borrower made such a scheduled periodic payment and applying the payments [of principal and interest and such other payments with respect to the amounts received from] to the account of a student loan borrower, as may be required pursuant to the terms of a student education loan ~~or~~ and or a contract governing the servicing of a student education loan;~~

2. During a period in which no payment is required on a student education loan, maintaining account records for a student education loan and communicating with the student loan borrower on behalf of the owner of the promissory note for the student education loan; or

3. [Performing any other administrative services with respect to a student education loan.] Interacting with a student loan borrower concerning a student education loan with the goal of helping the student loan borrower avoid default on the student education loan or facilitating the activities described in subsection 1 or 2.

Sec. 11. ~~[The Commissioner shall designate a Student Loan Ombudsman within the Division of Financial Institutions to:~~

~~1. Provide timely assistance to any student loan borrower of any student education loan; and~~

~~2. Carry out the duties as set forth in this chapter.] (Deleted by amendment.)~~

Sec. 12. ~~[The Student Loan Ombudsman, in consultation with the Commissioner, shall:~~

~~1. Receive, review and attempt to resolve any complaint from a student loan borrower, including, without limitation, attempting to resolve such a~~

~~complaint in collaboration with an institution of higher education, a student loan servicer and any other person who participates in providing a student education loan.~~

~~2. Compile and analyze data on complaints as described in subsection 1.~~

~~3. Assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.~~

~~4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of student loan borrowers and make recommendations for resolving those problems and concerns.~~

~~5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to student loan borrowers and recommend any changes the Student Loan Ombudsman deems necessary.~~

~~6. Review the complete history of any student education loan for any student loan borrower who has provided written consent for such a review.~~

~~7. Disseminate information concerning the availability of the Student Loan Ombudsman to assist student loan borrowers and potential student loan borrowers, as well as institutions of higher education, student loan servicers and any other persons who participate in providing a student education loan, with any servicing concerns.~~

~~8. Take any other actions necessary to fulfill the duties of the Student Loan Ombudsman as set forth in this section.] (Deleted by amendment.)~~

Sec. 13. ~~[The Student Loan Ombudsman, in consultation with the Commissioner, shall establish and maintain an education course for student loan borrowers which provides educational presentations and materials regarding student education loans. The educational course must include, without limitation, information concerning important loan terms, documentation requirements, monthly payment obligations, income based repayment options, loan forgiveness and disclosure requirements.] (Deleted by amendment.)~~

Sec. 14. ~~[On or before February 1 of each odd-numbered year, the Commissioner shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning:~~

~~1. The implementation of this chapter;~~

~~2. The overall effectiveness of the Student Loan Ombudsman; and~~

~~3. Any additional actions the Commissioner deems necessary for the Division of Financial Institutions to gain regulatory control over student loan servicers.] (Deleted by amendment.)~~

Sec. 15. 1. The Commissioner shall:

(a) Administer and account for separately the money received pursuant to this chapter.

(b) Use the money received pursuant to this chapter for the purposes set forth in this chapter.

2. Any money that remains in the account at the end of the fiscal year does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.

3. Any interest or income earned on the money in the account must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.

Sec. 16. 1. Except as otherwise provided in subsection 2, a person shall not act as a student loan servicer, directly or indirectly, without first obtaining a license from the Commissioner pursuant to this chapter.

2. The following persons may act as a student loan servicer without obtaining a license pursuant to this chapter:

(a) Any bank, savings and loan association, savings bank, thrift company or credit union, whether chartered by this State, another state or the Federal Government.

(b) Any wholly owned subsidiary of any person identified in paragraph (a).

(c) Any operating subsidiary of any person identified in paragraph (a) if each owner of the operating subsidiary is wholly owned by the same person identified in paragraph (a).

Sec. 17. A person may apply for a license as a student loan servicer by submitting a written application to the Commissioner on a form prescribed by the Commissioner. The application must be accompanied by:

1. A financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner or a corporate officer or a member authorized to execute such documents;

2. Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:

(a) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);

(b) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and

(c) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;

3. A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

4. Any other information requested by the Commissioner or otherwise required in connection with the evaluation and investigation of the applicant's qualifications and suitability for licensure;

5. A nonrefundable license fee of \$1,000; and

6. A nonrefundable investigation fee of \$800.

Sec. 18. 1. In addition to any other requirements set forth in this chapter:

(a) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall include the social security number of the applicant or control person, as applicable, in the application submitted to the Commissioner.

(b) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.

5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to

NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 19. 1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:

(a) Fails to submit the statement required by subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.

5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

6. *The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 20. *Upon the filing of an application for an initial license and the payment of the license fee and the investigation fee, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The Commissioner may issue a license if the Commissioner finds that:*

1. *The applicant's financial condition is sound;*
2. *The applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community;*
3. *If the applicant is:*
 - (a) *A natural person, the person is in all respects properly qualified and of good character;*
 - (b) *A partnership, each partner is in all respects properly qualified and of good character;*
 - (c) *A corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs similar functions as determined by the Commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character; or*
 - (d) *A limited liability company, each member is in all respects properly qualified and of good character;*
4. *No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter;*
5. *No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the Commissioner any information lawfully required by the Commissioner;*
6. *The applicant has paid the license fee and the investigation fee required by section 17 of this act; and*
7. *The applicant has met any other requirements set forth by the Commissioner in regulations adopted pursuant to this chapter.*

Sec. 20.5. 1. Except as otherwise provided in this section, the provisions of sections 17 to 20, inclusive, of this act do not apply to a person whom the Commissioner determines only engages in the business of a student loan servicer in this State pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f.

2. The Commissioner shall:

(a) Adopt regulations prescribing the factors that the Commissioner will use to make a determination pursuant to subsection 1; and

(b) Issue a license to a person described in subsection 1 upon the payment of the fee prescribed by section 17 of this act.

3. A person licensed pursuant to this section shall:

(a) Comply with all requirements of this chapter, except for those prescribed in sections 17 to 20, inclusive, of this act, and all other applicable requirements of state law to the extent that those requirements do not conflict with federal law; and

(b) Provide to the Commissioner written notice not later than 7 days after the expiration, revocation or termination of any contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. A license issued pursuant to this section expires 30 days after the Commissioner receives the written notice.

4. The provisions of this section must not be construed to prohibit the Commissioner from taking any action to regulate student loan servicing that is not conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f.

Sec. 21. 1. A license issued pursuant to this chapter expires on September 30 of the odd-numbered year following its issuance, unless renewed or earlier surrendered, suspended or revoked pursuant to this chapter.

2. A licensee may renew the license for 2 years by filing an application containing all required documents and fees as set forth in section 17 of this act for an initial license. Such a renewal application shall be deemed to be timely filed if filed on or before September 1 of the year in which the license expires. Any renewal application filed with the Commissioner after September 1 must be accompanied by a late fee of \$100 and, if so, such a filing also shall be deemed to be timely filed. If an application for renewal of a license is timely filed with the Commissioner pursuant to this subsection on or before the date the license expires, the license sought to be renewed continues in full force and effect until the issuance by the Commissioner of the renewed license or until the Commissioner notifies the licensee in writing of the Commissioner's refusal to issue a renewed license together with the grounds upon which such refusal is based. The Commissioner may refuse to issue a renewed license on any ground on which the Commissioner may refuse to issue an initial license.

Sec. 22. 1. Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this State for any reason, including, without limitation, a business decision to terminate operations in this State, license revocation, bankruptcy or voluntary dissolution, the licensee shall provide written notice of surrender to the Commissioner and shall surrender to the Commissioner its license for each location in which the licensee has ceased to engage in such business.

2. *A written notice of surrender provided pursuant to subsection 1 must identify the location where the records of the licensee will be stored and the name, address and telephone number of a natural person authorized to provide access to the records.*

3. *The surrender of a license does not reduce or eliminate the licensee's civil or criminal liability arising from acts or omissions occurring before the surrender of the license, including, without limitation, any administrative actions undertaken by the Commissioner to revoke or suspend a license, assess a civil penalty, order restitution or exercise any other authority provided to the Commissioner.*

Sec. 23. *If the Commissioner determines that a check or other method of payment which is provided to the Commissioner to pay any fee required pursuant to this chapter has been returned to the Commissioner or otherwise dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment, the Commissioner shall automatically refuse to issue, suspend or refuse to renew the license, as applicable. The Commissioner must give the licensee reasonable advance notice of this automatic action and an opportunity for a hearing.*

Sec. 24. *A licensee or an applicant for a license shall notify the Commissioner, in writing, of any change in the information provided in the initial application for a license or the most recent application for renewal of such license, as applicable, not later than 10 business days after the occurrence of the event that results in such information becoming inaccurate.*

Sec. 25. *The Commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for information required pursuant to this chapter or any regulations adopted pursuant thereto. The Commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the date on which such a request for information was made, the application shall be deemed abandoned. Any fees paid before the date an application is deemed abandoned pursuant to this section must not be refunded. Abandonment of an application pursuant to this section does not preclude the applicant from submitting a new application for a license pursuant to this chapter.*

Sec. 26. *A licensee shall not act as a student loan servicer or engage in student loan servicing under any other name or at any other place of business than that identified in the license. The licensee must notify the Commissioner in advance of any change of location of a place of business of the licensee. Only one place of business may be maintained under one license, but the Commissioner may issue more than one license to the same licensee upon the licensee's application for a license for each place of business. A license is not transferable or assignable.*

Sec. 27. 1. *A student loan servicer shall maintain a record of each transaction relating to a student education loan for not less than 2 years following the final payment on the student education loan or the assignment of the student education loan, whichever occurs first, or such longer period as may be required by any other provision of law.*

2. *Upon the request of the Commissioner, a person required to maintain records pursuant to subsection 1 shall make such records available to the Commissioner, or send the records to the Commissioner, in the manner required by the Commissioner not later than 5 business days after requested by the Commissioner. Upon the person's request, the Commissioner may allow additional time to make the records available to the Commissioner or send the records to the Commissioner.*

Sec. 28. *A student loan servicer shall not:*

1. *Directly or indirectly employ any scheme, device or artifice to defraud or mislead a student loan borrower.*

2. *Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student education loan, including, without limitation, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement or the borrower's obligations under the loan.*

3. *Obtain property by fraud or misrepresentation.*

4. *Knowingly misapply student education loan payments to the outstanding balance of a student education loan.*

5. *Knowingly or recklessly provide inaccurate information to a credit bureau in a manner which may harm a student loan borrower's creditworthiness.*

6. *Fail to report both the favorable and unfavorable payment history of the student loan borrower to a nationally recognized consumer credit bureau at least annually if the student loan servicer regularly reports information to a credit bureau.*

7. *Refuse to communicate with an authorized representative of the student loan borrower if the authorized representative:*

(a) *Provides a written authorization signed by the student loan borrower; and*

(b) *Complies with any reasonable procedures which may be adopted by the student loan servicer to verify that the representative is in fact authorized to act on behalf of the student loan borrower.*

8. *Negligently make any false statement or knowingly and willfully make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the Commissioner or another governmental agency.*

Sec. 28.5. *The Student Loan Ombudsman designated pursuant to section 36.6 of this act or a member of the public may submit a complaint*

concerning a student loan servicer to the Division of Financial Institutions for investigation pursuant to section 29 of this act.

Sec. 29. *In addition to any other authority provided under this title, the Commissioner may conduct investigations and examinations as follows:*

1. *For purposes of initial licensing, license renewal, license suspension, license revocation or termination, or general or specific inquiry or investigation to determine compliance with this chapter, the Commissioner may access, receive and use any books, accounts, records, files, documents, information or evidence, including, without limitation:*

(a) *Criminal, civil and administrative history information;*

(b) *Personal history and experience information, including, without limitation, independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a; and*

(c) *Any other documents, information or evidence the Commissioner deems relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.*

2. *For the purposes of investigating violations or complaints arising under this chapter or for the purposes of examination, the Commissioner may review, investigate or examine any student loan servicer or other person subject to this chapter as often as necessary in order to carry out the purposes of this chapter. The Commissioner may direct, subpoena or order the attendance of and examine under oath any person whose testimony may be required about a student education loan, the business of a student loan servicer or the subject matter of any examination or investigation, and may direct, subpoena or order such a person to produce books, accounts, records, files and any other documents the Commissioner deems relevant to the inquiry.*

3. *In making any examination or investigation authorized by this section, the Commissioner may control access to any documents and records of a student loan servicer or other person under examination or investigation. The Commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, a person shall not remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the Commissioner. Unless the Commissioner has reasonable grounds to believe the documents or records of the student loan servicer or other person under examination or investigation have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this chapter, the student loan servicer, the other person under examination or investigation or the owner of the documents and records must be allowed access to the documents or records as necessary to conduct ordinary business affairs.*

Sec. 30. *To carry out the purposes of this chapter, the Commissioner may:*

1. *Retain attorneys, accountants or other professionals and specialists as examiners, auditors or investigators to conduct or assist in the conduct of examinations or investigations;*

2. *Enter into agreements or relationships with other government officials or regulatory associations to improve efficiency and reduce any regulatory burden by sharing resources, standardizing or making uniform any applicable methods or procedures, and sharing documents, records, information or evidence obtained pursuant to this chapter;*

3. *Use, hire, contract or employ publicly or privately available analytical systems, methods or software to examine or investigate a student loan servicer or other person under examination or investigation;*

4. *Accept and rely on examination or investigation reports made by other government officials, within or outside this State; and*

5. *Accept audit reports made by an independent certified public accountant for a student loan servicer or other person under examination or investigation in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in any report of examination, report of investigation or other writing of the Commissioner.*

Sec. 31. *The authority of the Commissioner pursuant to this chapter with regard to a student loan servicer or other person under examination or investigation remains in effect, without regard to whether the student loan servicer or other person acts or claims to act under any other licensing or registration law of this State, or claims to act without such authority.*

Sec. 32. *A student loan servicer or other person under examination or investigation pursuant to this chapter shall not knowingly withhold, abstract, remove, mutilate, destroy or secrete any books, records, computer records or other information related to an investigation or examination pursuant to this chapter.*

Sec. 33. *The Commissioner may, as applicable, deny an application for a license issued pursuant to this chapter or suspend, revoke or refuse to renew a license issued pursuant to this chapter if the Commissioner finds that:*

1. *The applicant, licensee or a control person of the applicant or licensee has violated any provision of this chapter or any regulation adopted pursuant thereto; or*

2. *With regard to a licensee or a control person of the licensee, any fact or condition exists which, if it had existed at the time of the original application for the license, would have resulted in a denial of the application.*

Sec. 34. *All fees paid pursuant to this chapter are nonrefundable, including, without limitation, if a license is surrendered, revoked or suspended before the expiration of the period for which it was issued.*

Sec. 35. *A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing, including, without limitation, the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., and the*

regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the Commissioner may take action pursuant to this chapter.

Sec. 36. The Commissioner shall adopt any regulations necessary to carry out the provisions of this chapter.

Sec. 36.05. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 36.1 to 36.9, inclusive, of this act.

Sec. 36.1. As used in sections 36.1 to 36.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 36.2 to 36.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 36.2. “Student education loan” has the meaning ascribed to it in section 6 of this act.

Sec. 36.3. “Student loan borrower” has the meaning ascribed to it in section 7 of this act.

Sec. 36.4. “Student Loan Ombudsman” means the Student Loan Ombudsman designated by the State Treasurer pursuant to section 36.6 of this act.

Sec. 36.5. “Student loan servicer” has the meaning ascribed to it in section 9 of this act.

Sec. 36.6. The State Treasurer shall designate a Student Loan Ombudsman within the Office of the State Treasurer to:

1. Provide timely assistance to any student loan borrower of any student education loan; and

2. Carry out the duties as set forth in sections 36.1 to 36.8, inclusive, of this act.

Sec. 36.7. The Student Loan Ombudsman shall:

1. Receive, review and attempt to resolve any complaint from a student loan borrower, including, without limitation, attempting to resolve such a complaint in collaboration with an institution of higher education, a student loan servicer and any other person who participates in providing a student education loan.

2. Compile and analyze data on complaints as described in subsection 1.

3. Assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.

4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of student loan borrowers and make recommendations for resolving those problems and concerns.

5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to student loan borrowers and recommend any changes the Student Loan Ombudsman deems necessary.

6. Review the complete history of any student education loan for any student loan borrower who has provided written consent for such a review.

7. Disseminate information concerning the availability of the Student Loan Ombudsman to assist student loan borrowers, potential student loan borrowers, institutions of higher education, student loan servicers and any other persons who participate in providing a student education loan, with any concerns relating to student loan servicing, as defined in section 10 of this act.

8. Take any other actions necessary to fulfill the duties of the Student Loan Ombudsman as set forth in this section.

Sec. 36.8. The Student Loan Ombudsman shall establish and maintain an education course for student loan borrowers which provides educational presentations and materials regarding student education loans. The educational course must include, without limitation, information concerning important loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness and disclosure requirements.

Sec. 36.9. 1. The State Treasurer shall consult with the Commissioner of Financial Institutions to obtain the recommendations of the Commissioner concerning actions the Commissioner deems necessary for the Division of Financial Institutions of the Department of Business and Industry to gain regulatory control over student loan servicers.

2. On or before February 1 of each odd-numbered year, the State Treasurer shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning:

- (a) The implementation of sections 36.1 to 36.9, inclusive, of this act;
- (b) The overall effectiveness of the Student Loan Ombudsman; and
- (c) The recommendations of the Commissioner of Financial Institutions conveyed to the Student Loan Ombudsman pursuant to section 1 of this act.

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

Sec. 38. 1. This section and sections 1 to 18, inclusive, and 20 to 37, inclusive, of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

2. Section 18 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

3. Section 19 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time.

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

Amendment No. 369.

~~ASSEMBLYWOMAN~~ ASSEMBLYMEN SPIEGEL ; ASSEFA, CARRILLO, FLORES, MARTINEZ, MUNK, NEAL, SMITH AND YEAGER
JOINT SPONSORS: SENATORS PARKS, RATTI AND WASHINGTON

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

Legislative Counsel's Digest:

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

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. **Section 20** of this bill

establishes certain powers and duties of the Board. In particular, **section 20** authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; (2) charge and collect fees on money invested through the Program to defray the costs of administering the Program; and (3) adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

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

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

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll covered employees in the Program; (2) that contributions to a covered employee's Individual Retirement Account (IRA) must be withheld from the employee's compensation at the rate set by the Board unless the employee elects to not contribute or to contribute at a different rate; and (3) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

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

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

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

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

is the subject of the information expressly agrees in writing to the disclosure of the information.

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

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

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

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

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

WHEREAS, The Legislature finds that too many Nevadans have inadequate savings for retirement, and over 56 percent of wage and salary workers in Nevada work for an employer that does not offer a retirement plan or program or offer any other easy way to save at work; and

WHEREAS, It is the policy of this State to encourage Nevadans to voluntarily save for retirement, including by facilitating saving in individual retirement accounts as well as by encouraging employers to adopt retirement savings and other retirement plans for employees in this State; and

WHEREAS, More adequate, portable, low-cost, and consumer-protective retirement savings by Nevada households will enhance their retirement security and ultimately reduce the pressure on State public assistance programs

for retirees and other elderly citizens and the potential burden on Nevada citizens and taxpayers to finance such programs; and

WHEREAS, The Legislature intends to create the Nevada Employee Savings Trust to be governed by a Board of Trustees, which will design and establish a program that encourages private-sector employees to establish tax-favored individual retirement accounts funded by payroll deductions and will select competent and qualified private-sector entities to administer the program and manage the accounts on behalf of program participants; and

WHEREAS, The Nevada College Savings Program administered by the Board of Trustees of the College Savings Plans of Nevada has demonstrated the feasibility of a public-private partnership that outsources investment and administration to assist private citizens of Nevada to save on a voluntary and cost-efficient basis; now, therefore,

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

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

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

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

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

Sec. 5. *“Compensation” means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code that is received by a covered employee from a covered employer.*

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

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

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

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

3. *The term does not include:*

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

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

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

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

- 1. Has been in business for at least twenty-four months;*
- 2. Pays its employees through a payroll system or service; and*
- 3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current or 2 immediately preceding calendar years.*

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

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

Sec. 10. "Individual Retirement Account" means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code.

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

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

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

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

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

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

Sec. 17. "Trust" means the Individual Retirement Account retirement trust or annuity contract established pursuant to section 26 of this act.

Sec. 18. "Trustee" means the trustee of the Trust selected by the Board pursuant to section 26 of this act.

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

2. The Board consists of:

- (a) The State Treasurer or his or her designee;*
- (b) The Lieutenant Governor or his or her designee;*
- (c) One member, appointed by the Governor, who represents employers;*

(d) One member, appointed by the Governor, who is a representative of an association that represents employees;

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

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

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

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

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

5. The Lieutenant Governor or his or her designee shall serve as the Chair of the Board.

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

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

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

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

(b) Reimbursement for any other actual and reasonable expense incurred while performing his or her duties.

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

1. Design, establish, and operate the Program;

2. Charge and collect fees to defray the costs of administering the Program;

3. Enter into contracts necessary or desirable for the administration of the Program;

4. Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, but not limited to, consultants, investment managers or advisors, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;

5. Determine, without limitation, the:

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

(b) Default contribution rate; and

(c) Process for automatic escalation of participant contributions;

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

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

8. *Determine the number of days by which an eligible employer must make the Program available to a covered employee upon first becoming an eligible employer or covered employee; and*

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

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

2. *The Board may delegate to the State Treasurer any of its administrative powers and duties as specified in this chapter, if the Board determines that such delegation is necessary for the efficient and effective administration of the Trust.*

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

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

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

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

1. *Each covered employer shall automatically enroll each covered employee in the Program.*

2. *An employer shall not contribute to the Program or endorse or otherwise promote the Program.*

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

4. *An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code.*

5. *The Board may establish intervals after which a covered employee must reaffirm his or her intent to opt out of the Program.*

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

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

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

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

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

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

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

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

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

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

(g) A statement that:

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

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

(3) Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make

Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.

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

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

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

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

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

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

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

2. The Board shall administer the Administrative Fund.

3. The Board shall deposit in the Administrative Fund:

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

(b) Money transferred to the Administrative Fund from the Federal government, other State agencies, or local governments;

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

(d) Money from the payment or application, account, administrative, or other fees and the payment of other money due the Board;

(e) Money collected for the Administrative Fund from contributions to, or investment returns or assets of, the Program or other money collected by or for the Program or pursuant to arrangements established under the Program; and

(f) Earnings on money in the Administrative Fund.

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

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

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

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

2. *Money borrowed pursuant to subsection 1 must:*

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

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

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

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

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

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

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

4. *The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be*

diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace, or remove any investment fund.

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

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

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

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

(2) A bank or other institution exempt from registration under the Advisers Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 32. 1. The Board shall cause an accurate account of all the activities, operations, receipts, and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services, or facilities shall be conducted by a certified public accountant and shall include, but not be limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not State employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations, receipts, and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report shall also include projected activities of the Program for the current calendar year.

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

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 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 27 of this act and** 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. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust shall establish the Nevada Employee Savings Trust Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program not later than July 1, 2021.

2. The Board may establish different classes of employees based on characteristics selected by the Board, including, without limitation, the size or type of their employers or the number of employees employed, and implement the Program in phases, so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different classes of employees, but such an implementation must be substantially complete not later than July 1, 2023.

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

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

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

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

Sec. 38. This act becomes effective upon passage and approval.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Spiegel:

Amendment No. 538.

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

Legislative Counsel's Digest:

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

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. **Section 20** of this bill establishes certain powers and duties of the Board. In particular, **section 20** authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; ~~and (2) charge and collect fees on money invested through the Program to defray the costs of administering the Program; and (3)~~ adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

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

~~delegate to the~~ State Treasurer ~~[any of its]~~ **to provide** administrative ~~[powers and duties]~~ **support to the Board.**

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

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll covered employees in the Program; (2) that contributions to a covered employee's Individual Retirement Account (IRA) must be withheld from the employee's compensation at the rate set by the Board unless the employee elects to not contribute or to contribute at a different rate; and (3) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

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

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

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

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

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or to opt out of the Program, any investment decision made by the participant or the Board, and any loss, failure to realize a gain, or any other adverse consequence incurred by any

person as a result of participating in the Program. **Section 28** also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

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

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

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

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

WHEREAS, The Legislature finds that too many Nevadans have inadequate savings for retirement, and over 56 percent of wage and salary workers in Nevada work for an employer that does not offer a retirement plan or program or offer any other easy way to save at work; and

WHEREAS, It is the policy of this State to encourage Nevadans to voluntarily save for retirement, including by facilitating saving in individual retirement accounts as well as by encouraging employers to adopt retirement savings and other retirement plans for employees in this State; and

WHEREAS, More adequate, portable, low-cost, and consumer-protective retirement savings by Nevada households will enhance their retirement security and ultimately reduce the pressure on State public assistance programs for retirees and other elderly citizens and the potential burden on Nevada citizens and taxpayers to finance such programs; and

WHEREAS, The Legislature intends to create the Nevada Employee Savings Trust to be governed by a Board of Trustees, which will design and establish a program that encourages private-sector employees to establish tax-favored individual retirement accounts funded by payroll deductions and will select competent and qualified private-sector entities to administer the program and manage the accounts on behalf of program participants; and

WHEREAS, The Nevada College Savings Program administered by the Board of Trustees of the College Savings Plans of Nevada has demonstrated

the feasibility of a public-private partnership that outsources investment and administration to assist private citizens of Nevada to save on a voluntary and cost-efficient basis; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 31 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrative Fund” means the Nevada Employee Savings Trust Administrative Fund created by section 24 of this act.*

Sec. 4. *“Board” means the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act.*

Sec. 5. *“Compensation” means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code that is received by a covered employee from a covered employer.*

Sec. 6. *“Contribution rate” means the percentage of a covered employee’s compensation that is withheld from his or her compensation and paid to the Individual Retirement Account established or maintained for the covered employee through the Program.*

Sec. 7. 1. *“Covered employee” means a person who:*

- (a) Is employed by a covered employer for not less than 120 days;*
- (b) Has wages or other compensation that is allocable to the State; and*
- (c) Is at least 18 years of age.*

2. *For purposes of the investment, withdrawal, transfer, rollover or other distribution of an Individual Retirement Account, the term also includes the beneficiary of a deceased covered employee.*

3. *The term does not include:*

(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. §§ 151 et seq.;

(b) Any employee on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or

(c) Any person who is an employee of the Federal government, the State or any other state, country or municipal corporation, or any of the State’s or any other state’s units or instrumentalities.

Sec. 8. *“Covered employer” means an employer that:*

- 1. Has been in business for at least twenty-four months;*
- 2. Pays its employees through ~~an~~ an electronic payroll system or service; and*
- 3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current or 2 immediately preceding calendar years.*

Sec. 9. 1. *Except as otherwise provided in subsection 2, “employer” means a person or entity engaged in a business, profession, trade or other enterprise in this State, whether for profit or not for profit, that employs one or more persons in this State.*

2. *The term does not include an agency or entity of the federal government, the government of this State or a political subdivision of this State.*

Sec. 10. *“Individual Retirement Account” means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code.*

Sec. 11. *“Internal Revenue Code” means the federal Internal Revenue Code of 1986, as amended.*

Sec. 12. *“Investment fund” means an investment portfolio established by the Board within the Trust for investment purposes.*

Sec. 13. *“Participant” means a person who contributes to an Individual Retirement Account established or maintained through the Program or has an account balance in an Individual Retirement Account established or maintained through the Program.*

Sec. 14. *“Program” means the Nevada Employee Savings Trust Program established by the Board pursuant to section 20 of this act.*

Sec. 15. *“State” means the State of Nevada.*

Sec. 16. *“Tax-favored retirement plan” means a retirement plan that is tax-qualified under or is described in and satisfies the requirements of subsection 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code.*

Sec. 17. *“Trust” means the Individual Retirement Account retirement trust or annuity contract established pursuant to section 26 of this act.*

Sec. 18. *“Trustee” means the trustee of the Trust selected by the Board pursuant to section 26 of this act.*

Sec. 19. 1. *There is hereby created the Board of Trustees of the Nevada Employee Savings Trust.*

2. *The Board consists of:*

(a) *The State Treasurer or his or her designee;*

(b) *The Lieutenant Governor or his or her designee;*

(c) *One member, appointed by the Governor, who represents employers;*

(d) *One member, appointed by the Governor, who is a representative of an association that represents employees;*

(e) *One member, appointed by the Governor, who has experience in the field of investments;*

(f) *One member, appointed by the Majority Leader of the Senate, who represents retirees; and*

(g) *One member, appointed by the Speaker of the Assembly, who has experience in small business.*

3. *Each appointed member serves a term of 4 years unless dismissed for cause. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.*

4. *Any vacancy occurring in the appointed membership of the Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

5. *The Lieutenant Governor or his or her designee shall serve as the Chair of the Board.*

6. *The Board shall meet at the call of the Chair as frequently as required to perform its duties.*

7. *A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.*

8. *Each member of the Board serves without compensation, except that each member is entitled to receive:*

(a) *The per diem allowance and travel expenses provided for state officers and employees generally; and*

(b) *Reimbursement for any other actual and reasonable expense incurred while performing his or her duties.*

Sec. 20. *The Board is authorized and empowered to:*

1. *Design, establish, and operate the Program;*

2. ~~*Charge and collect fees to defray the costs of administering the Program;*~~

~~3.~~ *Enter into contracts necessary or desirable for the administration of the Program;*

~~4.~~ 3. *Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, but not limited to, nonprofit organizations, consultants, investment managers or advisors, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;*

~~5.~~ 4. *Determine, without limitation, the:*

(a) *Types of Individual Retirement Accounts to be offered;*

(b) *Default contribution rate; and*

(c) *Process for automatic escalation of participant contributions;*

~~6.~~ 5. *Develop an option for participants to convert contributions into fixed lifetime income streams;*

~~7.~~ 6. *Develop and implement an outreach plan to gain input and disseminate information regarding the Program and retirement and financial education in general, to employees, employers and other constituents in this State;*

~~8.~~ 7. *Determine the number of days by which an eligible employer must make the Program available to a covered employee upon first becoming an eligible employer or covered employee; and*

~~19.7~~ 8. *Adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.*

Sec. 21. 1. *The State Treasurer shall, within the limits of legislative appropriations, provide staff support to the Board.*

~~2. The Board may delegate to the State Treasurer any of its administrative powers and duties as specified in this chapter, if the Board determines that such delegation is necessary for the efficient and effective administration of the Trust.~~

~~3.7~~ and may otherwise provide administrative support to the Board.

2. *The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any officer, agency, division or department of the State, including, without limitation, the Lieutenant Governor, Secretary of State, Department of Taxation, Department of Employment, Training and Rehabilitation, Department of Business and Industry and Department of Labor. An officer, agency, division or department that enters into such an intergovernmental agreement with the Board shall collaborate with any other officer, agency, division or department of the State as necessary to provide such outreach, technical assistance or compliance services to the Board.*

Sec. 22. 1. *An act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the Trust.*

2. *The Board may not impose any obligations on the State or pledge the credit of the State.*

Sec. 23. *The Program designed, established and operated by the Board pursuant to section 20 of this act must provide, without limitation, that:*

1. *Each covered employer shall automatically enroll each covered employee in the Program.*

2. *An employer shall not contribute to the Program or endorse or otherwise promote the Program.*

3. *Contributions must be withheld from the compensation of each covered employee at the contribution rate set by the Board unless the covered employee elects to not contribute or to contribute at a different rate.*

4. *An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code.*

5. *The Board may establish intervals after which a covered employee must reaffirm his or her intent to opt out of the Program.*

6. *A covered employer must deposit a covered employee's withheld contributions under the Program with the Trustee in such manner as is determined by the Board, but in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee.*

7. *The Board shall determine the rules and procedures for withdrawals, distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.*

8. *The Board shall determine a method for employers other than covered employers and employees other than covered employees to participate in the Program, if allowed under federal law.*

9. *The Board shall prepare or cause to be prepared informational materials and required disclosures regarding the Program for distribution by covered employers to covered employees. Such materials must include, without limitation;*

(a) A description of the benefits and risks associated with making contributions through the Program;

(b) Instructions about how to obtain additional information about the Program;

(c) A description of the federal and state income tax consequences of an Individual Retirement Account, which may consist of or include the disclosure statement required to be distributed by the Trustee by the Internal Revenue Code and the Treasury Regulations adopted thereunder;

(d) A statement that covered employees seeking financial advice should contact their own financial advisors and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make concerning the Program;

(e) A statement that the Program is not an employer-sponsored retirement plan;

(f) A statement that neither the Program nor the covered employee's Individual Retirement Account established or maintained through the Program is guaranteed by the State; and

(g) A statement that:

(1) Neither a covered employer nor the State will monitor or has an obligation to monitor the covered employee's eligibility under the Internal Revenue Code to make contributions to an Individual Retirement Account or to monitor whether the covered employee's contributions to the Individual Retirement Account established or maintained for the covered employee through the Program exceed the maximum permissible Individual Retirement Account contribution;

(2) It is the covered employee's responsibility to monitor such matters; and

(3) Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.

10. *The Board shall prepare or cause to be prepared information, forms or instructions to be furnished to covered employees at such times as the*

Board determines that provide the covered employee with the procedures for, without limitation:

(a) Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;

(b) Making an investment election with respect to the covered employee's Individual Retirement Account established or maintained through the Program, including a description of the default investment fund; and

(c) Making transfers, rollovers, withdrawals and other distributions from the covered employee's Individual Retirement Account.

11. Each covered employer shall deliver or facilitate the delivery of the items set forth in subsections 9 and 10, and any other information required by the Board, to each covered employee at such time and in such manner as determined by the Board.

12. The Program shall be designed and operated in a manner that will cause it not to be an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 24. 1. The Nevada Employee Savings Trust Administrative Fund is hereby created in the State Treasury.

2. The Board shall administer the Administrative Fund.

3. The Board shall deposit in the Administrative Fund ~~for~~ all money received for the Program, including, without limitation:

(a) Money appropriated to the Administrative Fund by the Legislature;

(b) Money transferred to the Administrative Fund from the Federal government, other State agencies, or local governments;

(c) Any gifts, donations, grants or other money designated for the Administrative Fund from the State, or any unit of federal or local government, or any other person, firm, partnership, corporation, or other entity solely for deposit into the Administrative Fund, whether for investment or administrative expenses; and

(d) ~~Money from the payment or application, account, administrative, or other fees and the payment of other money due the Board;~~

~~(e) Money collected for the Administrative Fund from contributions to, or investment returns or assets of, the Program or other money collected by or for the Program or pursuant to arrangements established under the Program; and~~

~~(f) Earnings on money in the Administrative Fund.~~

4. The Board shall use the money in the Administrative Fund solely to pay the administrative costs and expenses of the Program and the administrative costs and expenses the Board incurs in the performance of its duties.

Sec. 25. 1. The Board may, to enable or facilitate the start-up and continuing operation, maintenance, administration, and management of the Program until the Board determines that the Program has accumulated sufficient balances and is able to generate sufficient funding ~~through fees assessed on Program accounts~~ for the Program to be financially self-sustaining:

(a) Borrow money from the State, any unit of federal, State, or local government, or any other person, firm, partnership, corporation or entity; or

(b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

(a) Be borrowed in the name of the Program and Board only;

(b) Be repaid solely from the revenues of the Program; and

(c) Not be repaid unless the money was offered contingent upon the promise of such repayment.

3. Within the limits of legislative appropriations, the State may pay on behalf of the Board administrative costs associated with the creation, maintenance, operation, and management of the Program and Trust until the Board determines that sufficient assets are available in the Administrative Fund for that purpose. Thereafter, all administrative costs of the Administrative Fund, including any repayment of start-up money provided by the State, must be repaid only out of money on deposit therein.

Sec. 26. 1. The Nevada Employee Savings Trust is hereby created as an instrumentality of the State.

2. The Board shall appoint an institution qualified to act as a trustee of Individual Retirement Account trusts or an insurance company that issues annuity contracts pursuant to section 408 of the Internal Revenue Code and licensed to do business in the State of Nevada to act as Trustee of the Trust.

3. The assets of Individual Retirement Accounts established or maintained for covered employees must be allocated to the Trust and may be combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and managing the investments, Individual Retirement Accounts, Board, Program and Trust.

4. The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace or remove any investment fund.

5. *The Board may allow covered employees to allocate assets of their Individual Retirement Accounts among such investment funds and in such case, the Board also may designate an investment fund as a default investment for the Individual Retirement Accounts of covered employees who do not make an investment choice.*

6. *The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities, and other investments available for investment by the Trust. An investment fund may not invest in any bond, debt instrument or other security issued by the State.*

7. *The Board may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the Board's ongoing review and oversight. An investment advisor retained pursuant to this subsection must be:*

(1) *An investment adviser registered as such under the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b-1 et seq.; or*

(2) *A bank or other institution exempt from registration under the Advisers Act.*

8. *The Trustee shall be subject to directions of the Board or of an investment adviser pursuant to this section and shall otherwise have no responsibility for the selection, retention, or disposition of the investments or assets of the Trust.*

9. *The assets of the Trust must at all times be preserved, invested, and expended solely for the purposes of the Trust and no property rights therein shall exist in favor of the State or any covered employer. Trust assets must not be transferred or used by the State for any purposes other than the purposes of the Trust or paying the expenses of operating the Program. Amounts deposited with the Trustee do not constitute property of the State and must not be commingled with State money and the State has no claim to or against, or interest in, the assets of the Trust.*

10. *The assets of the Trust must at all times be held separate and apart from the assets of the State. The State, Program, Board, any member of the Board or any covered employer shall not guaranty any investment, rate of return, or interest on amounts held in the Trust, an investment fund, or any Individual Retirement Account. The State, Program, Board, any member of the Board or any employer is not be liable for any losses incurred by Trust investments or otherwise by any covered employee or other person as a result of participating in the Program.*

11. *The provisions of chapter 90 of NRS, the Uniform Securities Act, do not apply to the Trust, any investment fund, or any interest held by an Individual Retirement Account in the Trust or such investment fund.*

12. The Trust and each investment fund is exempt from all taxation by this State and any political subdivision thereof.

Sec. 27. Except to the extent necessary to administer the Program, personally identifiable information relating to individual participants in the program, including, without limitation the name, physical and electronic mail address, telephone number and other personally identifiable information of the participant, and information relating to individual accounts established or maintained through the Program, including, without limitation, the identity or amount of any investment, contribution, or earnings attributable to an account, is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Sec. 28. 1. A covered employer or other employer may not be held liable for:

- (a) An employee's decision to participate in or opt out of the Program;*
- (b) A participant's or the Board's investment decisions;*
- (c) The administration, investment, investment returns, or investment performance of the Program, including, without limitation, any interest rate or other rate of return on any contribution or account balance, provided they played no role;*
- (d) The design of the Program or the benefits paid to participants;*
- (e) A person's awareness of or compliance with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount, and in what time frame and manner; or*
- (f) Any loss, failure to realize any gain, or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance, or other benefits, incurred by any person as a result of participating in the Program.*

2. A covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Sec. 29. 1. The State and any employee or officer thereof, and the Board and a member of the Board or employee thereof, and the Program:

- (a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount, and in what time frame and manner;*
- (b) Have no duty, responsibility, or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;*
- (c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and*
- (d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain, or any other adverse consequences, including*

without limitation any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

2. The debts, contracts, and obligations of the Board, Program or Trust are not the debts, contracts, and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts, and obligations of the Board, Program or Trust.

Sec. 30. 1. Each member of the Board, the Trustee, and each investment adviser or other person who has control of the assets of the Trust is a fiduciary with respect to the Trust and each Individual Retirement Account established and maintained through the Program.

2. Each fiduciary shall discharge its duties with respect to the Program solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.

Sec. 31. A member of the Board and a person who serves on the staff of the Board or as an administrator of the Program shall not:

1. Directly or indirectly have any interest in the making of any investment under the Program or in any gains or profits accruing from such an investment;

2. Borrow any Program-related money or deposits, or use any such money or deposits in any manner, for himself or herself or as an agent or partner of others; or

3. Become an endorser, surety or obligor on any investment made through the Program.

Sec. 32. 1. The Board shall cause an accurate account of all the activities, operations, receipts, and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services, or facilities shall be conducted by a certified public accountant and shall include, but not be limited to, direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not State employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the

activities, operations, receipts, and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report shall also include projected activities of the Program for the current calendar year.

3. The Board shall prepare an annual report on the operation of the Program to be available to all citizens and provided to appropriate state officers.

Sec. 33. This chapter being necessary to secure the public health, safety, convenience and welfare, its provisions must be liberally construed to effect its purposes.

Sec. 34. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 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 27 of this act and 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. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust shall establish the Nevada Employee Savings Trust Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program not later than July 1, 2021.

2. The Board may establish different classes of employees based on characteristics selected by the Board, including, without limitation, the size or type of their employers or the number of employees employed, and implement the Program in phases, so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different classes of employees, but such an implementation must be substantially complete not later than July 1, 2023.

3. The Board shall not implement the Program if, and to the extent that, it determines that the Program is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. If the Board determines that one or more provisions of the Program are preempted by Employee Retirement Income Security Act of 1974, the Board shall implement the remaining provisions of the Program to the extent practicable.

4. The Board shall not implement a provision of the Program that authorizes an arrangement by which an employer facilitates access for an employee to contribute to an Individual Retirement Account by means of a payroll deduction if the Board determines that the arrangement is an employee pension benefit plan within the meaning of Section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 36. As soon as practicable on or after the effective date of this act, the Governor, Majority Leader of the Senate and Speaker of the Assembly shall appoint the members of the Board of Trustees of the Nevada Employee Savings Trust pursuant to section 19 of this act.

Sec. 37. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 38. This act becomes effective upon passage and approval.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 621.

SUMMARY—Revises provisions governing economic development. (BDR ~~18-803~~) **22-803**)

AN ACT relating to tax abatements; ~~prohibiting the Office of Economic Development from granting certain tax abatements to a person who has already received tax abatements;~~ **prohibiting the Office of Economic Development from approving certain abatements of the taxes imposed for the support of local schools; prohibiting the Office from approving certain partial abatements of taxes if the applicant has previously received the partial abatement of taxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Under existing law, the Executive Director of the Office of Economic Development is required to develop and periodically revise a State Plan for Economic Development. Such a plan must not include provisions for the granting of any abatement, partial abatement or exemption from taxes to certain persons who are subject to certain taxes on the net proceeds of minerals or certain gaming license fees. (NRS 231.053) Section 1 of this bill also prohibits such a plan from including provisions for the granting of any abatement or partial abatement to a person to whom an abatement or partial abatement has already been granted and is in effect.~~

Existing law authorizes the Office of Economic Development to approve an abatement or a partial abatement of ~~the Local School Support Tax~~ **certain sales and use taxes** in certain circumstances. (NRS 274.310, 274.320, 274.330, 360.750, **360.753**, 360.754, ~~374.356, 374.357, 374.358~~) **360.889, 360.945**) Sections 5-8, 11-13, 15, ~~and 18~~ **16 and 18.5** of this bill ~~remove that authorization. Sections 2-4, 9, 10 and 14-17 of this bill make conforming changes.~~ **provide that such an abatement does not apply to sales and use taxes that are imposed by the Sales and Use Tax Act and the Local School Support Tax Law if the application for the abatement is submitted on or after the passage and approval of this bill. Sections 11 and 12 of this bill also prohibit the Office from awarding certain partial abatements of taxes imposed on a new or expanding business if the applicant previously received such a partial abatement for locating or expanding the business in this State.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~NRS 231.053 is hereby amended to read as follows:~~

~~231.053 After considering any advice and recommendations of the Board, the Executive Director:~~

~~1. Shall direct and supervise the administrative and technical activities of the Office.~~

~~2. Shall develop and may periodically revise a State Plan for Economic Development, which:~~

~~(a) Must include a statement of:~~

~~(1) New industries which have the potential to be developed in this State;~~

~~(2) The strengths and weaknesses of this State for business incubation;~~

~~(3) The competitive advantages and weaknesses of this State;~~

~~(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;~~

~~(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and~~

~~(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and~~

~~(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person [who will]:~~

~~(1) Who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.~~

~~(2) For which any abatement or partial abatement has been approved by the Office and is in effect.~~

~~3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.~~

~~4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.~~

~~5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.~~

~~6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.~~

~~8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature. (Deleted by amendment.)~~

Sec. 2. ~~[NRS 231.0685 is hereby amended to read as follows:~~

~~231.0685 The Office shall, on or before January 15 of each odd numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, [274.320,] 274.330, 360.750, 360.752, 360.753 or 360.754. The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:~~

~~1. The dollar amount of the abatement;~~

~~2. The location of the business for which the abatement was approved;~~

~~3. The value of infrastructure included as an incentive for the business;~~

~~4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;~~

~~5. Whether the business for which the abatement was approved is a new business or an existing business;~~

~~6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business;~~

~~7. Any information concerning whether the business for which the abatement was approved participates or has participated in a program of workforce development, as defined in NRS 231.146, implemented by the Executive Director; and~~

~~8. Any other information that the Office determines to be useful. (Deleted by amendment.)~~

Sec. 3. ~~[NRS 231A.170 is hereby amended to read as follows:~~

~~231A.170 1. For the purpose of NRS 231A.110, a qualified active low-income community business is limited to those businesses meeting the Small Business Administration size eligibility standards established in 13 C.F.R. §§ 121.101 to 201, inclusive, at the time the qualified low income community investment is made. A business must be considered a qualified active low-income community business for the duration of the qualified community~~

~~development entity's investment in, or loan to, the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low income community business, other than the Small Business Administration size standards, throughout the entire period of the investment or loan.~~

~~2. Except as otherwise provided in this subsection, the businesses limited by this section do not include any business that derives or projects to derive 15 percent or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by, or under common control with, another business if the second business:~~

~~— (a) Does not derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate; and~~

~~— (b) Is the primary tenant of the real estate leased from the first business.~~

~~3. The following businesses are not qualified active low income community businesses:~~

~~— (a) A business that has received an abatement from taxation pursuant to NRS 274.310, [274.320,] 274.330, 360.750, 360.753 or 360.754.~~

~~— (b) An entity that has liability for insurance premium tax on a premium tax report filed pursuant to NRS 680B.030.~~

~~— (c) A business engaged in banking or lending.~~

~~— (d) A massage parlor.~~

~~— (e) A bath house.~~

~~— (f) A tanning salon.~~

~~— (g) A country club.~~

~~— (h) A business operating under a nonrestricted license for gaming issued pursuant to NRS 462.170.~~

~~— (i) A liquor store.~~

~~— (j) A golf course. (Deleted by amendment.)~~

Sec. 4. ~~NRS 266.267 is hereby amended to read as follows:~~

~~266.267 [1.] A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale of real property until after the property has been appraised pursuant to NRS 268.059. Except as otherwise provided in this section, paragraph (a) of subsection 1 of NRS 268.050 and subsection 3 of NRS 496.080:~~

~~— [(a)] 1. The sale or lease of real property must be made in the manner required pursuant to NRS 268.059, 268.061 and 268.062; and~~

~~— [(b)] 2. A lease or sale must be made at or above the highest appraised value of the real property as determined pursuant to the appraisal conducted pursuant to NRS 268.059.~~

~~[2. The city council may sell or lease real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS. (Deleted by amendment.)~~

Sec. 5. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597, ↪ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~for 374~~ of NRS ~~or~~ **the local sales and use taxes.** The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. **As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.**

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

↪ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of \$500,000 in capital assets that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the ~~The~~ county treasurer of the county in which the business will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the ~~The~~ partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant

to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 6. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597, ↪ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~for 374~~ of NRS ~~or~~ **the local sales and use taxes.** The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. **As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.**

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(I) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

↪ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of \$500,000 in capital.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the ~~the~~ county treasurer of the county in which the business will be located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS,

to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 6.3. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

- (a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;
- (b) A redevelopment area created pursuant to chapter 279 of NRS;
- (c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597, ↗ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the **local sales and use** taxes imposed on capital equipment, ~~pursuant to chapter 374 of NRS.~~ The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. **As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.**

2. The governing body of a county, city or town shall develop procedures for:

- (a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

↪ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of \$250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 6.5. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to chapter 279 of NRS;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

↪ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the local sales and use taxes imposed on capital equipment ~~pursuant to chapter 374 of NRS.~~ The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at

which the governing body will consider whether to endorse the application. As used in this subsection, “local sales and use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

↪ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of \$250,000 in capital equipment.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department of Taxation; and
- (b) The Nevada Tax Commission.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the eligibility requirements for the partial abatement; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 7. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~to 374~~ of NRS ~~to~~ or the local sales and use taxes. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which the abatement becomes effective:

(I) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

↪ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents which meet the minimum requirements for medical benefits established by the Office.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

- (1) The Department of Taxation;
- (2) The Nevada Tax Commission; and
- (3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the ~~The~~ county treasurer of the county in which the business is located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:

(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.

(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the ~~The~~ partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

9. As used in this section, “dislocated worker” means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 8. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 ~~for 374~~ of NRS ~~11~~ **or the local sales and use taxes.** The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application. **As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.**

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which states:

(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and

(2) That the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(I) Continue in operation in the enterprise community for a period specified by the Office, which must be at least 5 years; and

(II) Continue to meet the eligibility requirements set forth in this subsection.

↪ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents which meet the minimum requirements for medical benefits established by the Office.

4. If the Office of Economic Development approves an application for a partial abatement, the Office shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the ~~The~~ county treasurer of the county in which the business is located.

5. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

↪ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for

which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.

7. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

8. As used in this section, “dislocated worker” means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

~~Sec. 9. NRS 353.207 is hereby amended to read as follows:~~

~~353.207 1. The Chief shall:~~

~~(a) Require the Office of Economic Development and the Office of Energy each periodically to conduct an analysis of the relative costs and benefits of each incentive for economic development previously approved by the respective office and in effect during the immediately preceding 2 fiscal years, including, without limitation, any abatement of taxes approved by the Office of Economic Development pursuant to NRS 274.310, [274.320,] 274.330, 360.750, 360.752, 360.753, 360.754, 360.890, 360.950, 361.0687 [, 374.357] or 701A.210, to assist the Governor and the Legislature in determining whether the economic benefits of the incentive have accomplished the purposes of the statute pursuant to which the incentive was approved and warrant additional incentives of that kind;~~

~~(b) Require each office to report in writing to the Chief the results of the analysis conducted by the office pursuant to paragraph (a); and~~

~~(c) Establish a schedule for performing and reporting the results of the analysis required by paragraph (a) which ensures that the results of the analysis reported by each office are included in the proposed budget prepared pursuant to NRS 353.205, as required by that section.~~

~~2. Each report prepared for the Chief pursuant to this section is a public record and is open to inspection pursuant to the provisions of NRS 239.010.~~

(Deleted by amendment.)

Sec. 10. ~~NRS 360.225 is hereby amended to read as follows:~~

~~360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:~~

~~(a) A partial abatement of property taxes pursuant to NRS 361.0687;~~

~~(b) An exemption from taxes pursuant to NRS 363B.120;~~

~~(c) A deferral of the payment of taxes on the sale of eligible property pursuant to NRS 372.397 or 374.402;~~

~~(d) [An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357;~~

~~(e)] A partial abatement of taxes pursuant to NRS 360.752 on or before June 30, 2023;~~

~~[(f)] (e) A partial abatement of taxes pursuant to NRS 360.754 on or before December 31, 2056;~~

~~[(g)] (f) A partial abatement of taxes pursuant to NRS 360.890 on or before June 30, 2032, or~~

~~[(h)] (g) An abatement of taxes pursuant to NRS 360.950 on or before June 30, 2036;~~

~~the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.~~

~~2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Office of Economic Development and take any other necessary actions. **(Deleted by amendment.)**~~

Sec. 11. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 ~~+~~ or 363B ~~+~~ or 374 of NRS ~~+~~ **or the local sales and use taxes. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.**

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 50 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$1,000,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the

geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make, not later than the date which is 2 years after the date on which the abatement becomes effective, a capital investment of at least \$250,000 in this State in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) For a business in:

(I) Except as otherwise provided in sub-subparagraph (II), a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by twenty-five employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective; or

(II) A county whose population is less than 100,000, an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or a city whose population is less than 60,000, the business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, increase the number of employees on its payroll in that county or city by 10 percent more than it employed in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective or by six employees, whichever is greater, who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) The business will expand by making a capital investment in this State, not later than the date which is 2 years after the date on which the abatement becomes effective, in an amount equal to at least 20 percent of the value of the

tangible property possessed by the business in the fiscal year immediately preceding the fiscal year in which the abatement becomes effective, and the capital investment will be in capital assets that will be retained at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the

Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

~~[(3) Approve an abatement of the taxes imposed pursuant to chapter 374 of NRS which exceeds the local sales and use taxes. As used in this subparagraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.]~~

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the requirements set forth in subsection 2; or
- (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

↳ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. A county treasurer:

- (a) Shall deposit any money that he or she receives pursuant to subsection 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and
- (b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

11. The Nevada Tax Commission:

- (a) Shall adopt regulations regarding:
 - (1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and
 - (2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

12. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

13. For the purposes of this section, an employee is a "full-time employee" if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 12. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 ~~+~~ or 363B ~~+~~ or 374 of NRS ~~+~~ **or the local sales and use taxes. As used in this subsection, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the business is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.**

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The business offers primary jobs and is consistent with:

(1) The State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053; and

(2) Any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) State that the business will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection;

(4) State that the business will offer primary jobs; and

(5) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in subsection 4 or 5, the average hourly wage that will be paid by the business to its new employees in this State is at

least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office.

(f) Except as otherwise provided in this subsection and NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least one of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this State.

(g) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000, in an area of a county whose population is 100,000 or more that is located within the geographic boundaries of an area that is designated as rural by the United States Department of Agriculture and at least 20 miles outside of the geographic boundaries of an area designated as urban by the United States Department of Agriculture, or in a city whose population is less than 60,000, the business meets at least one of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective who will be employed at the location of the business in that county or city until at least the date which is 5 years after the date on which the abatement becomes effective.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this State.

(h) If the business is an existing business, the business meets at least one of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(i) The applicant has provided in the application an estimate of the total number of new employees which the business anticipates hiring in this State by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective if the Office approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided by the business to its employees, the projected economic impact of the business and the projected tax revenue of the business after deducting projected revenue from the abated taxes.

(c) May, if the Office determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (f), (g) or (h) of subsection 2;

(2) Make any of the requirements set forth in paragraphs (d) to (h), inclusive, of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. Notwithstanding any other provision of law, the Office of Economic Development shall not approve an application for a partial abatement pursuant to this section if:

(a) The applicant intends to locate or expand in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 70 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) The applicant intends to locate or expand in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the applicant to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) The applicant intends to locate in a county but has already received a partial abatement pursuant to this section for locating that business in that county.

(d) The applicant intends to expand in a county but has already received a partial abatement pursuant to this section for expanding that business in that county.

5. Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement pursuant to this section, in determining the types of taxes imposed on a new or expanded business for which the partial abatement will be approved and the amount of the partial abatement:

(a) If the new or expanded business is located in a county in which the rate of unemployment is 7 percent or more and the average hourly wage that will be paid by the business to its new employees in this State is less than 85 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

(b) If the new or expanded business is located in a county in which the rate of unemployment is less than 7 percent and the average hourly wage that will be paid by the business to its new employees in this State is less than 100 percent of the average statewide hourly wage, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year, the Office shall not:

(1) Approve an abatement of the taxes imposed pursuant to chapter 361 of NRS which exceeds 25 percent of the taxes on personal property payable by the business each year.

(2) Approve an abatement of the taxes imposed pursuant to chapter 363B of NRS which exceeds 25 percent of the amount of tax otherwise due pursuant to NRS 363B.110.

~~[(3) Approve an abatement of the taxes imposed pursuant to chapter 374 of NRS which exceeds the local sales and use taxes. As used in this subparagraph, "local sales and use taxes" means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.]~~

6. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

7. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

8. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

↳ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

9. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 8 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

10. The Office of Economic Development may adopt such regulations as the Office of Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

11. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (f) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

12. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

13. For the purposes of this section, an employee is a “full-time employee” if he or she is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subsection 2.

Sec. 12.5. NRS 360.753 is hereby amended to read as follows:

360.753 1. An owner of a business or a person who intends to locate or expand a business in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The personal property taxes imposed on an aircraft and the personal property used to own, operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft; and

(b) The local sales and use taxes imposed on the purchase of tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or any component of an aircraft.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsections 3 and 4, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) The applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The business owns, operates, manufactures, services, maintains, tests, repairs, overhauls or assembles an aircraft or any component of an aircraft;

(d) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(e) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers

to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(f) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement; and

(g) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least \$250,000 in this State within 1 year after receiving its certificate of eligibility for a partial abatement.

(2) The business will maintain and possess in this State tangible personal property having a value of not less than \$5,000,000 during the period of partial abatement.

(3) The business develops, refines or owns a patent or other intellectual property, or has been issued a type certificate by the Federal Aviation Administration pursuant to 14 C.F.R. Part 21.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 20 years.

4. The Office of Economic Development must not approve a partial abatement of personal property taxes for a business whose physical property is collectively valued and centrally assessed pursuant to NRS 361.320 and 361.3205.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from personal property taxes, the appropriate county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the

Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

↳ the business shall repay to the Department or, if the partial abatement was from personal property taxes, to the appropriate county treasurer, the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. If the Office of Economic Development approves an application for a partial abatement of local sales and use taxes pursuant to this section, the Department shall issue to the business a document certifying the partial abatement which can be presented to retailers and customers of the business at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2 percent.

12. As used in this section:

(a) “Aircraft” means any fixed-wing, rotary-wing or unmanned aerial vehicle.

(b) “Component of an aircraft” means any:

(1) Element that makes up the physical structure of an aircraft, or is affixed thereto;

(2) Mechanical, electrical or other system of an aircraft, including, without limitation, any component thereof; and

(3) Raw material or processed material, part, machinery, tool, chemical, gas or equipment used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft or component of an aircraft.

(c) “Full-time employee” means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(d) “Local sales and use taxes” means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act ~~+~~ and the Local School Support Tax Law.

(e) “Personal property taxes” means any taxes levied on personal property by the State or a local government pursuant to chapter 361 of NRS.

Sec. 13. NRS 360.754 is hereby amended to read as follows:

360.754 1. A person who intends to locate or expand a data center in this State may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded data center pursuant to chapter 361 ~~+~~ ~~or 374~~ of NRS ~~+~~ or the local sales and use taxes. As used in this subsection, “local sales and use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which the data center is to be located or expanded, except the taxes imposed by the Sales and Use Tax Act and the Local School Support Tax Law.

2. The Office of Economic Development shall approve an application for a partial abatement pursuant to this section if the Office makes the following determinations:

(a) The application is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053 and any guidelines adopted by the Executive Director of the Office to implement the State Plan for Economic Development.

(b) The applicant has executed an agreement with the Office of Economic Development which must:

(1) Comply with the requirements of NRS 360.755;

(2) State the date on which the abatement becomes effective, as agreed to by the applicant and the Office of Economic Development, which must not be earlier than the date on which the Office received the application;

(3) State that the data center will, after the date on which the abatement becomes effective, continue in operation in this State for a period specified by the Office of Economic Development, which must be at least 10 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Bind the successors in interest of the applicant for the specified period.

(c) The applicant is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by each county, city or town in which the data center operates.

(d) If the applicant is seeking a partial abatement for a period of not more than 10 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 10 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 10 or more full-time employees who are residents of Nevada at the data center until at least the date which is 10 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement becomes effective, a cumulative capital investment of at least \$25,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(e) If the applicant is seeking a partial abatement for a period of 10 years or more but not more than 20 years, the applicant meets the following requirements:

(1) The data center will, by not later than the date that is 5 years after the date on which the abatement becomes effective, have or have added 50 or more full-time employees who are residents of Nevada and who will be employed at the data center and will continue to employ 50 or more full-time employees who are residents of Nevada at the data center until at least the date which is 20 years after the date on which the abatement becomes effective.

(2) Establishing or expanding the data center will require the data center or any combination of the data center and one or more colocated businesses to make in each county in this State in which the data center is located, by not later than the date which is 5 years after the date on which the abatement

becomes effective, a cumulative capital investment of at least \$100,000,000 in capital assets that will be used or located at the data center.

(3) The average hourly wage that will be paid by the data center to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The data center will, by not later than the date which is 2 years after the date on which the abatement becomes effective, provide a health insurance plan for all employees employed at the data center that includes an option for health insurance coverage for dependents of the employees; and

(II) The health care benefits provided to employees employed at the data center will meet the minimum requirements for health care benefits established by the Office of Economic Development by regulation pursuant to subsection 12.

(4) At least 50 percent of the employees engaged in the construction of the data center are residents of Nevada, unless waived by the Executive Director of the Office of Economic Development upon proof satisfactory to the Executive Director of the Office of Economic Development that there is an insufficient number of residents of Nevada available and qualified for such employment.

(f) The applicant has provided in the application an estimate of the total number of new employees which the data center anticipates hiring in this State if the Office of Economic Development approves the application.

3. Notwithstanding the provisions of subsection 2, the Office of Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Office of Economic Development has requested a letter of acknowledgment of the request for the abatement from each affected county, school district, city or town.

(b) Shall consider the level of health care benefits provided to employees employed at the data center, the projected economic impact of the data center and the projected tax revenue of the data center after deducting projected revenue from the abated taxes.

(c) May, if the Office of Economic Development determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a data center that does not meet the requirements set forth in paragraph (d) or (e) of subsection 2;

(2) Make the requirements set forth in paragraph (d) and (e) of subsection 2 more stringent; or

(3) Add additional requirements that an applicant must meet to qualify for a partial abatement pursuant to this section.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the abatement to:

- (a) The Department;
- (b) The Nevada Tax Commission; and
- (c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the ~~The~~ county treasurer of each county in which the data center is or will be located.

5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office may also approve a partial abatement of taxes for each colocated business that enters into a contract to use or occupy, for a period of at least 2 years, all or a portion of the new or expanded data center. Each such colocated business shall obtain a state business license issued by the Secretary of State. The percentage amount of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the percentage amount of the partial abatement approved for the data center. The duration of a partial abatement approved for a colocated business pursuant to this subsection must not exceed the duration of the contract or contracts entered into between the colocated business and the data center, including the duration of any contract or contracts extended or renewed by the parties. If a colocated business ceases to meet the requirements set forth in this subsection, the colocated business shall repay the amount of the abatement that was allowed in the same manner in which a data center is required by subsection 7 to repay the Department or a county treasurer. If a data center ceases to meet the requirements of subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, any partial abatement approved for a colocated business ceases to be in effect, but the colocated business is not required to repay the amount of the abatement that was allowed before the date on which the abatement ceases to be in effect. A data center shall provide the Executive Director of the Office and the Department with a list of the colocated businesses that are qualified to receive a partial abatement pursuant to this subsection and shall notify the Executive Director within 30 days after any change to the list. The Executive Director shall provide the list and any updates to the list to the Department and the county treasurer of each affected county.

6. An applicant for a partial abatement pursuant to this section or a data center whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a data center whose partial abatement has been approved pursuant to this section and is in effect ceases:

- (a) To meet the requirements set forth in subsection 2; or
 - (b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,
- ↳ the data center shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the abatement that was allowed pursuant to this section

before the failure of the data center to comply unless the Nevada Tax Commission determines that the data center has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the data center shall, in addition to the amount of the abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 5 or 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

10. For an employee to be considered a resident of Nevada for the purposes of this section, a data center must maintain the following documents in the personnel file of the employee:

(a) A copy of the current and valid Nevada driver's license of the employee or a current and valid identification card for the employee issued by the Department of Motor Vehicles;

(b) If the employee is a registered owner of one or more motor vehicles in Nevada, a copy of the current motor vehicle registration of at least one of those vehicles;

(c) Proof that the employee is a full-time employee; and

(d) Proof that the employee is covered by the health insurance plan which the data center is required to provide pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph (d) of subsection 2 or sub-subparagraph (I) of subparagraph (3) of paragraph (e) of subsection 2.

11. For the purpose of obtaining from the Executive Director of the Office of Economic Development any waiver of the requirements set forth in subparagraph (4) of paragraph (d) of subsection 2 or subparagraph (4) of paragraph (e) of subsection 2, a data center must submit to the Executive Director of the Office of Economic Development written documentation of the efforts to meet the requirements and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

12. The Office of Economic Development:

(a) Shall adopt regulations relating to the minimum level of health care benefits that a data center must provide to its employees to meet the requirement set forth in paragraph (d) or (e) of subsection 2;

(b) May adopt such other regulations as the Office determines to be necessary to carry out the provisions of this section; and

(c) Shall not approve any application for a partial abatement submitted pursuant to this section which is received on or after January 1, 2036.

13. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment necessary to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a data center is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

14. As used in this section, unless the context otherwise requires:

(a) “Colocated business” means a person who enters into a contract with a data center that is qualified to receive an abatement pursuant to this section to use or occupy all or part of the data center.

(b) “Data center” means one or more buildings located at one or more physical locations in this State which house a group of networked server computers for the purpose of centralizing the storage, management and dissemination of data and information pertaining to one or more businesses and includes any modular or preassembled components, associated telecommunications and storage systems and, if the data center includes more than one building or physical location, any network or connection between such buildings or physical locations.

(c) “Full-time employee” means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in paragraph (d) or (e) of subsection 2.

Sec. 14. ~~NRS 260.757 is hereby amended to read as follows:~~

~~360.757 1. The Office of Economic Development shall not take any action on an application for any abatement of taxes pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.753 or 360.754 or any other specific statute unless the Office:~~

~~(a) Takes that action at a public meeting conducted for that purpose; and~~

~~(b) At least 30 days before the meeting, provides notice of the application to:~~

~~(1) The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the pertinent business is or will be located;~~

~~(2) The governing body of any other political subdivision that could be affected by the abatement; and~~

~~(3) The general public.~~

~~2. The notice required by this section must set forth the date, time and location of the meeting at which the Office of Economic Development will consider the application.~~

~~3. The Office of Economic Development shall adopt regulations relating to the notice required by this section. **(Deleted by amendment.)**~~

Sec. 15. NRS 360.884 is hereby amended to read as follows:

360.884 “Local sales and use taxes” means only the taxes imposed pursuant to chapters 374, 377, 377A and 377B of NRS imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the county in which the qualified project is located. The term does not include any taxes imposed by the Sales and Use Tax Act ~~+~~ and the Local School Support Tax Law.

Sec. 16. NRS 360.920 is hereby amended to read as follows:

360.920 “Local sales and use taxes” means only the taxes imposed pursuant to chapters 374 and ~~[chapter]~~ 377 of NRS on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the county in which the qualified project is located. The term does not include the taxes imposed by the Sales and Use Tax Act ~~+~~ and the Local School Support Tax Law.

Sec. 17. ~~[NRS 372.397 is hereby amended to read as follows:~~

~~372.397 1. A person may apply to the Office of Economic Development for a deferment of the payment of the tax on the sale of eligible property for a sales price of \$1,000,000 or more for use by the person in a business in this State. If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.~~

~~2. The Office of Economic Development shall certify the person’s eligibility for a deferment pursuant to this section if:~~

~~(a) The person meets the eligibility requirements set forth in NRS 360.750 for a partial abatement of the taxes imposed on the person pursuant to [chapter 374] chapters 361 or 363B of NRS;~~

~~(b) The purchase is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of NRS 231.053; and~~

~~(c) The Office determines that:~~

~~(1) The deferment is a significant factor in the decision of the person to locate or expand a business in this State; and~~

~~(2) The eligible property will be retained at the location of the person’s business in this State until at least the date which is 5 years after the date on which the Office certifies the person’s eligibility for the deferment.~~

~~➤ Upon certification, the Office shall immediately forward the deferment to the Nevada Tax Commission.~~

~~3. Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid, the date of the sale and the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.~~

~~4. If the Office of Economic Development certifies a person's eligibility for a deferment pursuant to this section:~~

~~(a) Payment of the total amount of tax due on the sale of the eligible property must be deferred without interest for the 60 month period beginning on the date the Office makes that certification; and~~

~~(b) Payment of the tax must be made in each month, beginning not later than the date which is 1 year after the date on which the Office makes that certification, at a rate which is at least sufficient to result in payment of the total obligation within the period described in paragraph (a).~~

~~5. The Nevada Tax Commission shall adopt regulations governing:~~

~~(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace eligible property; and~~

~~(b) The period within which such purchases may be aggregated.~~

~~6. As used in this section, "eligible property" does not include any of the following capital assets:~~

~~(a) Buildings or the structural components of buildings;~~

~~(b) Equipment used by a public utility;~~

~~(c) Equipment used for medical treatment;~~

~~(d) Machinery or equipment used in mining; or~~

~~(e) Machinery or equipment used in gaming. (Deleted by amendment.)~~

~~Sec. 18. [NRS 274.320, 374.356, 374.357 and 374.358 are hereby repealed.] (Deleted by amendment.)~~

Sec. 18.5. The amendatory provisions of sections 5, 6.3, 7, 11, 12.5, 13, 15 and 16 do not apply to any abatement granted or any application for an abatement filed before the effective date of the amendatory provisions to those sections.

Sec. 19. 1. This section and sections ~~1 to 5, inclusive,~~ 6.3, 7, ~~9, 10,~~ 11 ~~and~~ , 12.5, 13 ~~to 18, inclusive,~~ , 15, 16 and 18.5 of this act become effective on ~~July 1, 2019.~~ passage and approval.

2. Sections 6, 6.5, 8 and 12 of this act become effective on July 1, 2032.

3. ~~Sections 5, 7 and 11~~ Section 15 of this act ~~expire~~ expires by limitation on June 30, 2032.

4. Section 12.5 of this act expires by limitation on June 30, 2035.

5. Section 16 of this act expires by limitation on June 30, 2036.

6. Section 13 of this act expires by limitation on December 31, 2056.

†

TEXT OF REPEALED SECTIONS

~~274.320 Abatement for expanding business in certain areas of economic development. Endorsement required; application; requirements for approval; certificate of eligibility; duration and amount of abatement; repayment required under certain circumstances; regulations; judicial review.~~

~~1. A person who intends to expand a business in this State within:~~

~~—(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;~~

~~—(b) A redevelopment area created pursuant to chapter 279 of NRS;~~

~~—(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or~~

~~—(d) An enterprise community established pursuant to 24 C.F.R. Part 597, may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the Office of Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.~~

~~—2— The governing body of a county, city or town shall develop procedures for:~~

~~—(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town;~~

~~—(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.~~

~~—3— A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the Office of Economic Development. The Office shall approve the application if the Office makes the following determinations:~~

~~—(a) The business is consistent with:~~

~~—(1) The State Plan for Economic Development developed by the Administrator pursuant to subsection 2 of NRS 231.053; and~~

~~—(2) Any guidelines adopted by the Administrator to implement the State Plan for Economic Development;~~

~~—(b) The applicant has executed an agreement with the Office which states:~~

~~—(1) The date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application; and~~

~~—(2) That the business will, after the date on which the abatement becomes effective:~~

~~—(I) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the Office, which must be at least 5 years; and~~

~~—(II) Continue to meet the eligibility requirements set forth in this subsection.~~

~~4. The agreement must bind successors in interest of the business for the specified period.~~

~~(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.~~

~~(d) The applicant invested or commits to invest a minimum of \$250,000 in capital equipment that will be retained at the location of the business in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to chapter 279 of NRS, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 until at least the date which is 5 years after the date on which the abatement becomes effective.~~

~~4. If the Office of Economic Development approves an application for a partial abatement, the Office shall immediately forward a certificate of eligibility for the abatement to:~~

~~(a) The Department of Taxation; and~~

~~(b) The Nevada Tax Commission.~~

~~5. If the Office of Economic Development approves an application for a partial abatement pursuant to this section:~~

~~(a) The partial abatement must be for a duration of not less than 1 year but not more than 5 years.~~

~~(b) If the abatement is from the property tax imposed pursuant to chapter 361 of NRS, the partial abatement must not exceed 75 percent of the taxes on personal property payable by a business each year pursuant to that chapter.~~

~~6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:~~

~~(a) To meet the eligibility requirements for the partial abatement; or~~

~~(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3;~~

~~the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~7. The Office of Economic Development may adopt such regulations as the Office determines to be necessary or advisable to carry out the provisions of this section.~~

~~8. An applicant for an abatement who is aggrieved by a final decision of the Office of Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.~~

~~374.356 Abatement for eligible machinery or equipment used at new or expanded data center.~~

~~1. A person who intends to locate or expand a data center in this State may, pursuant to NRS 360.754, apply to the Office of Economic Development for a partial abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use at a data center which has been approved for a partial abatement pursuant to NRS 360.754.~~

~~2. If an application for a partial abatement is approved:~~

~~(a) For an applicant seeking an abatement pursuant to paragraph (d) of subsection 2 of NRS 360.754, the data center and any collocated business is eligible for an abatement from the tax imposed by this chapter for a period of not more than 10 years.~~

~~(b) For an applicant seeking an abatement pursuant to paragraph (e) of subsection 2 of NRS 360.754, the data center and any collocated business is eligible for an abatement from the tax imposed by this chapter for a period of not more than 20 years.~~

~~(c) The abatement must be administered and carried out in the manner set forth in NRS 360.754.~~

~~3. As used in this section:~~

~~(a) "Collocated business" has the meaning ascribed to it in NRS 360.754.~~

~~(b) "Data center" has the meaning ascribed to it in NRS 360.754.~~

~~(c) "Eligible machinery or equipment" means machinery or equipment necessary to and specifically related to the business of the data center or collocated business. The term does not include vehicles, buildings or the structural components of buildings.~~

~~374.357 Abatement for eligible machinery or equipment used by certain new or expanded businesses.~~

~~1. A person who maintains a business or intends to locate a business in this State may, pursuant to NRS 360.750, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 360.750.~~

~~2. If an application for an abatement is approved pursuant to NRS 360.750:~~

~~(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for not more than 2 years.~~

~~(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.~~

~~3. As used in this section, unless the context otherwise requires, "eligible machinery or equipment" means machinery or equipment for which a~~

~~deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:~~

- ~~— (a) Buildings or the structural components of buildings;~~
- ~~— (b) Equipment used by a public utility;~~
- ~~— (c) Equipment used for medical treatment;~~
- ~~— (d) Machinery or equipment used in mining; or~~
- ~~— (e) Machinery or equipment used in gaming.~~

~~374.358 Abatement for eligible machinery or equipment used by new or expanded businesses located in certain areas of economic development.~~

~~1. A person who maintains a business or intends to locate a business in a historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.687, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 507 in this State may, pursuant to the applicable provisions of NRS 274.310, 274.320 or 274.330, apply to the Office of Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 274.310, 274.320 or 274.330.~~

~~2. If an application for an abatement is approved pursuant to NRS 274.310, 274.320 or 274.330:~~

- ~~— (a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for a duration of not less than 1 year but not more than 5 years;~~
- ~~— (b) The abatement must be administered and carried out in the manner set forth in the applicable provisions of NRS 274.310, 274.320 or 274.330.~~

~~3. As used in this section, unless the context otherwise requires, “eligible machinery or equipment” means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:~~

- ~~— (a) Buildings or the structural components of buildings;~~
- ~~— (b) Equipment used by a public utility;~~
- ~~— (c) Equipment used for medical treatment;~~
- ~~— (d) Machinery or equipment used in mining; or~~
- ~~— (e) Machinery or equipment used in gaming.]~~

Assemblywoman Neal moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 429.

~~[ASSEMBLYMAN]~~ ASSEMBLYMEN FRIERSON AND BACKUS

SUMMARY—~~Establishes a family home visiting system to provide support to new parents.~~ **Providing for a study concerning maternal, infant and early childhood home visitation services.** (BDR ~~38-1001~~) **S-1001**)

AN ACT relating to children; ~~providing for the establishment of a family home visiting system to provide support to new parents;~~ **requiring the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study concerning maternal, infant and early childhood home visitation services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements to ensure maternal and child health. (Chapter 442 of NRS) This bill requires the ~~Division of Child and Family Services of the Department of Health and Human Services to establish and coordinate with other governmental entities to carry out a family home visiting system to provide for appropriately trained professionals to visit the homes of children during early childhood. This bill requires the family home visiting system to:~~ (1) employ evidence based models that have demonstrated positive outcomes in certain areas; and (2) prioritize families to receive services based on risk factors known to impair childhood development. This bill also requires the Division to publish an annual report that contains certain information about the family home visiting system. **Legislative Committee on Child Welfare and Juvenile Justice to conduct a study during the 2019-2020 interim concerning maternal, infant and early childhood home visitation services.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Division shall establish by regulation and coordinate with other state and local governmental entities to carry out a family home visiting system to provide for appropriately trained professionals to visit the homes of children during early childhood. The system must:~~

~~(a) Employ evidence-based models of home visitation that use comprehensive standards based on peer reviewed scientific research to ensure the delivery of high quality services. The evidence based models must have demonstrated at least two of the following:~~

~~(1) Improved prenatal, maternal, infant or child health outcomes;~~
~~(2) Improved safety and reduction in child abuse and neglect and other injuries to children;~~

~~(3) Improved economic security and self sufficiency of families; and~~
~~(4) Enhanced early childhood development in the areas of social and emotional development, language, cognition and physical health that improves the readiness of the child for school.~~

~~(b) Identify and refer families for home visitation before or soon after birth. Such referrals must prioritize families to receive services based on risk~~

~~factors known to impair childhood development, including, without limitation:~~

- ~~(1) Parents who are less than 20 years of age;~~
- ~~(2) A history of prenatal drug or alcohol abuse;~~
- ~~(3) A history of child abuse or neglect, domestic violence or other violence;~~
- ~~(4) Parents who are incarcerated;~~
- ~~(5) Parents who have reduced cognitive functioning or a significant disability;~~
- ~~(6) Insufficient financial resources to meet the needs of the family;~~
- ~~(7) A history of homelessness; and~~
- ~~(8) Any other risk factor identified by the Division.~~

~~2. On or before October 1 of each year, the Division shall post on an Internet website maintained by the Division a report concerning the family home visiting system established pursuant to subsection 1. The report must include, without limitation:~~

- ~~(a) The number of families served by each evidence-based model employed by the program;~~
- ~~(b) Demographic data concerning the families served by the program;~~
- ~~(c) Data concerning the length of time that families are participating in the program;~~
- ~~(d) Information concerning coordination with other state and local governmental entities to carry out the program; and~~
- ~~(e) Information concerning outcomes relating to prenatal, maternal, infant and child health, occurrences of child abuse and neglect, family economic security, childhood development and school readiness.~~

~~3. As used in this section, "abuse" and "neglect" have the meanings ascribed to them in NRS 432B.330.] (Deleted by amendment.)~~

Sec. 1.5. 1. The Legislative Committee on Child Welfare and Juvenile Justice shall:

(a) Conduct a study during the 2019-2020 interim concerning maternal, infant and early childhood home visitation services. The study must, without limitation:

- (1) Identify communities that demonstrate a high level of risk factors known to impair childhood development;
- (2) Identify pregnant women who may benefit from receiving home visitation services after the birth of the child;
- (3) Identify existing programs in this State that provide maternal, infant and early childhood home visitation services;
- (4) Analyze past efforts in this State to use identified risk factors to address needs and target resources; and
- (5) Evaluate the collection of data concerning families who receive home visitation services in this State.

(b) Include its findings and any recommendations for legislation relating to the study in its report submitted to the Director of the Legislative Counsel Bureau pursuant to subsection 2 of NRS 218E.720.

2. The Legislative Committee on Child Welfare and Juvenile Justice shall not issue a subpoena for any information relating to the study or compel any person to provide such information or otherwise participate in the study.

Sec. 2. This act becomes effective ~~1~~

~~1. Upon passage and approval, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~2. On January 1, 2020, for all other purposes.~~

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 402.

SUMMARY—~~Eliminates~~ **Revises provisions relating to** the imposition of certain fees, costs and administrative assessments in juvenile proceedings. (BDR 5-1093)

AN ACT relating to juvenile justice; ~~eliminating~~ **revising provisions relating to** the imposition of certain fees, costs and administrative assessments in juvenile proceedings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a child becomes subject to the jurisdiction of the juvenile court and the child receives ancillary services that are administered or financed by a county, the county is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for such services. (NRS 62B.110) Section 1 of this bill requires the juvenile court: (1) to the extent possible, to arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such services; (2) to arrange for the billing of any available public or private medical insurance to pay for such services; and (3) not to order the parent or guardian of the child to reimburse the county for the costs of such services unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child, in which case the parent or guardian of the child shall pay the costs of such services.

Existing law authorizes the juvenile court to order a parent or guardian of a child to pay the costs of supporting the child if the child is committed to the custody of a person other than the parent or guardian or to the custody of a

public or private institution or agency. (NRS 62B.120) **Section ~~11~~ 1.5** of this bill eliminates the authority of the juvenile court to order a parent or guardian of a child to pay for such costs.

Existing law provides that if a child is committed to the custody of a regional facility for the treatment and rehabilitation of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services of the Department of Health and Human Services. The juvenile court may order the parent or guardian of the child to reimburse the county for such costs. (NRS 62B.140) **Section 2** of this bill eliminates the authority of the juvenile court to order a parent or guardian of a child to reimburse the county for such costs.

Existing law provides that if the juvenile court enters a civil judgment for any payment owed by a child or a parent or guardian of the child, the person or persons against whom the judgment is issued is liable for a collection fee. (NRS 62B.420) **Section 3** of this bill eliminates the authority to impose such a collection fee.

Existing law provides that if a child is placed under informal supervision, the child may be required to participate in a program of restitution through work or a program of cognitive training and human development. The child or the parent or guardian of the child may be ordered to pay the costs associated with the participation of the child in such programs. (NRS 62C.210) **Section 4** of this bill provides that, under such circumstances, ~~11~~ : **(1)** the child and the parent or guardian of the child must not be ordered to pay such costs, ~~11~~ ; **and (2) unless the parent or guardian of the child signs a waiver of liability, the program or the employer for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.**

Existing law provides that if the juvenile court appoints an attorney to represent a child and the parent or guardian of the child is not indigent, the parent or guardian must pay the reasonable fees and expenses of the attorney. If the parent or guardian is indigent, the juvenile court may order the parent or guardian to reimburse the county for such fees and expenses in accordance with the ability of the parent or guardian to pay. (NRS 62D.030) **Section 5** of this bill provides that the parent or guardian of a child must not be required to pay the reasonable fees and expenses of an attorney appointed by the juvenile court.

Existing law provides that if the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service, the juvenile court may order the child or the parent or guardian of the child, or both, to pay for the cost of certain insurance during those periods in which the work is performed. (NRS 62E.180) **Section 7** of this bill provides that : **(1)** the juvenile court must not order the child or the parent or guardian of the child to pay such

costs ~~++~~; **and (2) unless the parent or guardian of the child signs a waiver of liability, the authority for which the work is performed must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the work is performed.**

Existing law provides that if a child is ordered to participate in a program of cognitive training and human development, a program for the arts or a program of sports and physical fitness, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs of participation in such programs or to work on projects or perform community service. (NRS 62E.210) **Section 8** of this bill : **(1) eliminates the authority of the juvenile court to order the child or the parent or guardian of the child, or both, to pay such costs or perform such work or community service. ++ ; and (2) provides that unless the parent or guardian of the child signs a waiver of liability, the program in which the child participates must provide policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program.**

Existing law provides that if the juvenile court orders that a child be provided with medical, psychiatric, psychological or other care or treatment after the parent or guardian of the child fails to provide such care or treatment, the expense of such care or treatment is a charge upon the county, but the juvenile court may order the person having the duty under law to support the child to pay part or all of the expenses of such care or treatment. (NRS 62E.280) **Section 9** of this bill ~~eliminates~~ **revises** the authority of the juvenile court to order the payment of such expenses. **++ and provides that the juvenile court shall: (1) to the extent possible, arrange for the child to receive such care or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such care or treatment; (2) arrange for the billing of any available public or private medical insurance to pay for such care or treatment; and (3) not order the parent or guardian of the child to pay the costs of such care or treatment unless the child receives such care or treatment from a provider that is not approved or the child seeks additional care or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such care or treatment.**

Existing law provides that if a child ordered to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program. (NRS 62E.440) **Section 11** of this bill eliminates the authority of the juvenile court to order the child or the parent or guardian of the child to pay such costs.

Existing law provides that if the juvenile court orders a child to participate in a program of restitution through work, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the costs associated with

the participation of the child in the program or order the child to work on projects or perform community service. (NRS 62E.600) **Section 12** of this bill : **(1)** provides that the juvenile court must not order the child or the parent or guardian of the child to pay such costs ~~and~~ ; **(2)** eliminates the authority of the juvenile court to order the child to perform such work or community service ~~;~~ ; **and (3) provides that unless the parent or guardian of the child signs a waiver of liability, the program or the employer for which the child performs the work, as applicable, must provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.**

Existing law provides that when the juvenile court orders a child to undergo an evaluation to determine whether the child is an abuser or alcohol or other drugs, the juvenile court is required to order the child or the parent or guardian of the child, or both, to pay any charges relating to the evaluation and treatment of the child. (NRS 62E.620) **Section 13** of this bill provides that the juvenile court : **(1) shall, to the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment; and (3)** shall not order the child or the parent or guardian of the child to pay such charges ~~;~~

~~Existing law provides that if the juvenile court orders a child to install an ignition interlock device in any motor vehicle the child operates, the juvenile court may order the child or the parent or guardian of the child to bear the expenses of installing such a device. (NRS 62E.640) Section 14 of this bill provides that the juvenile court shall not order the child or the parent or guardian of the child to pay for the device.~~ **unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the charges for such evaluation and treatment.**

Existing law provides that if a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court is required to order the child to participate in counseling or other psychological treatment and the child or the parent or guardian of the child, or both, to pay the cost of the child to participate in the counseling or other psychological treatment. (NRS 62E.680) **Section 15** of this bill provides that the juvenile court : **(1) shall, to the extent possible, arrange for the child to receive such counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such counseling or treatment; (2) shall arrange for the billing of any available public or private medical insurance to pay for such counseling or treatment; and (3)** shall not order the child or the parent or

guardian of the child to pay such costs ~~+~~ **unless the child receives such counseling or treatment from a provider that is not approved or the child seeks additional counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such counseling or treatment.**

Existing law provides that if the juvenile court orders a child to participate in a program of visitation to the office of the county coroner, the juvenile court may order the child, or the parent or guardian of the child, or both, to pay a fee of not more than \$45 based on the ability of the child or the parent or guardian of the child, or both, to pay for the costs associated with the participation of the child in the program of visitation. (NRS 62E.720) **Section 17** of this bill provides that the court shall not order the child or the parent or guardian of the child to pay such costs.

Existing law: (1) requires a child or the parent or guardian of a child to pay an administrative assessment if the juvenile court imposes a fine against the child; ~~+(2) requires a parent or guardian of a child to reimburse the county for ancillary services provided to the child and for support of the child during detention in a local facility for detention of children;~~ and ~~+(3) (2)~~ **(2)** authorizes the juvenile court to order a parent or guardian of a child to pay expenses of juvenile proceedings and costs of support of a child committed to the custody of the Division of Child and Family Services. (NRS ~~62B.110,~~ 62B.130, 62E.270, 62E.300, 62E.540) **Section 19** of this bill repeals those provisions of existing law.

Sections 6, 10, 16 and 18 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 62B.110 is hereby amended to read as follows:

62B.110 ~~+~~ If a child becomes subject to the jurisdiction of the juvenile court and the child receives ancillary services that are administered or financed by a county, including, but not limited to, transportation or psychiatric, psychological or medical services, the ~~county is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for such services.~~

~~2. To determine the amount that the parent or guardian of the child must reimburse the county for such services:~~

~~(a) The board of county commissioners may adopt a sliding scale based on the ability of the parent or guardian to pay; and~~

~~(b) The juvenile court shall review each case and make a finding as to the reasonableness of the charge in relation to the ability of the parent or guardian to pay.~~

~~3. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum commencing 30 days after an itemized~~

~~statement of all money due is submitted to the parent or guardian.} **juvenile court shall:**~~

1. To the extent possible, arrange for the child to receive such services from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such services.

2. Arrange for the billing of any available public or private medical insurance to pay for such services.

3. Not order the parent or guardian of the child to reimburse the county for the costs of such services unless the child receives such services from a provider that is not approved or the child seeks additional services beyond those recommended for the child, in which case the parent or guardian of the child shall pay the costs of such services.

~~{Section 1.} Sec. 1.5.~~ NRS 62B.120 is hereby amended to read as follows:

62B.120 ~~{1.— Except as otherwise provided in this chapter, if}~~ ***If*** the juvenile court commits a child to the custody of a person who is not the parent or guardian of the child or to the custody of a public or private institution or agency, and no provision is otherwise made by law for the support of the child, the expenses incurred for the support of the child while in such custody, if approved by an order of the juvenile court, are a charge upon the county where the child has a legal residence.

~~{2.— Notwithstanding any other statute providing for the support of such a child, after the parent or guardian of the child has been given notice and a reasonable opportunity to be heard, the juvenile court may order the parent or guardian to pay, in such a manner as the juvenile court may direct and within the ability of the parent or guardian to pay, money to cover in whole or in part the support of the child.~~

~~—3.— If the parent or guardian of the child willfully fails or refuses to pay the money due, the juvenile court may proceed against the parent or guardian for contempt.~~

~~—4.— If the juvenile court orders the parent or guardian of the child to pay for the support of the child pursuant to this section, the money must be paid to the superintendent of the county school district or fiscal officer of the institution to which the child is committed, or the chief administrative officer of the agency to whom the child is committed.}~~

Sec. 2. NRS 62B.140 is hereby amended to read as follows:

62B.140 ~~1.~~ Except as otherwise provided in this ~~{subsection,}~~ chapter, if a child is committed to the custody of a regional facility for the treatment and rehabilitation of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. ~~{The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.~~

~~—3—~~ This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 3. NRS 62B.420 is hereby amended to read as follows:

62B.420 1. Except as otherwise provided in this subsection, if, pursuant to this title, a child or a parent or guardian of a child is ordered by the juvenile court to pay a fine ~~{, administrative assessment, fee}~~ or restitution or to make any other payment and the fine, ~~{administrative assessment, fee,}~~ restitution or other payment or any part of it remains unpaid after the time established by the juvenile court for its payment, the juvenile court may enter a civil judgment against the child or the parent or guardian of the child for the amount due in favor of the victim, the state or local entity to whom the amount is owed or both. The juvenile court may not enter a civil judgment against a person who is a child unless the person has attained the age of 18 years, the person is a child who is determined to be outside the jurisdiction of the juvenile court pursuant to NRS 62B.330 or 62B.335 or the person is a child who is certified for proper criminal proceedings as an adult pursuant to NRS 62B.390.

2. Notwithstanding the termination of the jurisdiction of the juvenile court pursuant to NRS 62B.410 or the termination of any period of supervision or probation ordered by the juvenile court, the juvenile court retains jurisdiction over any civil judgment entered pursuant to subsection 1 and retains jurisdiction over the person against whom a civil judgment is entered pursuant to subsection 1. The juvenile court may supervise the civil judgment and take any of the actions authorized by the laws of this State.

3. A civil judgment entered pursuant to subsection 1 may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. A judgment which requires a parent or guardian of a child to pay restitution does not expire until the judgment is satisfied. An independent action to enforce a judgment that requires a parent or guardian of a child to pay restitution may be commenced at any time.

4. ~~{If the juvenile court enters a civil judgment pursuant to subsection 1, the person or persons against whom the judgment is issued is liable for a collection fee, to be imposed by the juvenile court at the time the civil judgment is issued, of:~~

~~—(a) Not more than \$100, if the amount of the judgment is less than \$2,000.~~

~~—(b) Not more than \$500, if the amount of the judgment is \$2,000 or greater, but is less than \$5,000.~~

~~—(c) Ten percent of the amount of the judgment, if the amount of the judgment is \$5,000 or greater.~~

~~—5—~~ In addition to attempting to collect the judgment through any other lawful means, a victim, a representative of the victim or a state or local entity

that is responsible for collecting a civil judgment entered pursuant to subsection 1 may take any or all of the following actions:

(a) Except as otherwise provided in this paragraph, report the judgment to reporting agencies that assemble or evaluate information concerning credit. If the judgment was entered against a person who was less than 21 years of age at the time the judgment was entered, the judgment cannot be reported pursuant to this paragraph until the person reaches 21 years of age.

(b) Request that the juvenile court take appropriate action pursuant to subsection ~~4~~ 5.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the judgment. ~~and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 4, in accordance with the provisions of the contract.~~

~~—6~~ 5. If the juvenile court determines that a child or the parent or guardian of a child against whom a civil judgment has been entered pursuant to subsection 1 has failed to make reasonable efforts to satisfy the civil judgment, the juvenile court may take any of the following actions:

(a) Order the suspension of the driver's license of a child for a period not to exceed 1 year. If the child is already the subject of a court order suspending the driver's license of the child, the juvenile court may order the additional suspension to apply consecutively with the previous order. At the time the juvenile court issues an order suspending the driver's license of a child pursuant to this paragraph, the juvenile court shall require the child to surrender to the juvenile court all driver's licenses then held by the child. The juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the driving record of a child, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) If a child does not possess a driver's license, prohibit the child from applying for a driver's license for a period not to exceed 1 year. If the child is already the subject of a court order delaying the issuance of a license to drive, the juvenile court may order any additional delay in the ability of the child to apply for a driver's license to apply consecutively with the previous order. At the time the juvenile court issues an order pursuant to this paragraph delaying the ability of a child to apply for a driver's license, the juvenile court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order.

(c) If the civil judgment was issued for a delinquent fine, ~~for administrative assessment,~~ order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

(d) Enter a finding of contempt against a child or the parent or guardian of a child and punish the child or the parent or guardian for contempt in the

manner provided in NRS 62E.040. A person who is indigent may not be punished for contempt pursuant to this ~~subsection.~~

~~7. Money collected from a collection fee imposed pursuant to subsection 4 must be deposited and used in the manner set forth in subsection 4 of NRS 176.064.]~~ **paragraph.**

Sec. 4. NRS 62C.210 is hereby amended to read as follows:

62C.210 1. An agreement for informal supervision may require the child to:

(a) Perform community service, provide restitution to any victim of the acts for which the child was referred to the probation officer or make a monetary contribution to a restitution contribution fund established pursuant to NRS 62E.175;

(b) Participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(1) Is 14 years of age or older;

(2) Has never been found to be within the purview of this title for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the probation officer determines that the child would benefit from the program;

(3) Is required to provide restitution to a victim; and

(4) Voluntarily agrees to participate in the program of restitution through work;

(c) Complete a program of cognitive training and human development pursuant to NRS 62E.220 if:

(1) The child has never been found to be within the purview of this title; and

(2) The unlawful act for which the child is found to be within the purview of this title did not involve the use or threatened use of force or violence against a victim; or

(d) Engage in any combination of the activities set forth in this subsection.

2. If the agreement for informal supervision requires the child to participate in a program of restitution through work or complete a program of cognitive training and human development, the ~~agreement may also require any or all of the following, in the following order of priority if practicable:~~

~~(a) The] child or the parent or guardian of the child [, or both, to the extent of their financial ability,] **must not be required** to pay the costs associated with the participation of the child in the program .] ~~including, but not limited to:~~~~

~~(1) A reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program or performs work; and~~

~~(2) In the case of a program of restitution through work, or for industrial insurance ., unless the industrial insurance is provided by the employer for which the child performs the work; or~~

~~—(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.] Unless the parent or guardian of the child signs a waiver of liability, the program or the employer for which the child performs the work, as applicable, shall provide policies of insurance against liability for personal injury and damage to property or industrial insurance, or both, during those periods in which the child participates in the program or performs work.~~

Sec. 5. NRS 62D.030 is hereby amended to read as follows:

62D.030 1. If a child is alleged to be delinquent or in need of supervision, the juvenile court shall advise the child and the parent or guardian of the child that the child is entitled to be represented by an attorney at all stages of the proceedings.

2. If a parent or guardian of a child is indigent, the parent or guardian may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188.

3. Except as otherwise provided in this section, the juvenile court shall appoint an attorney for a child if the parent or guardian of the child does not retain an attorney for the child and is not likely to retain an attorney for the child.

4. A child may waive the right to be represented by an attorney if:

(a) A petition is not filed and the child is placed under informal supervision pursuant to NRS 62C.200; or

(b) A petition is filed and the record of the juvenile court shows that the waiver of the right to be represented by an attorney is made knowingly, intelligently, voluntarily and in accordance with any applicable standards established by the juvenile court.

5. Except as otherwise provided in ~~subsection 6 and~~ NRS 424.085, if the juvenile court appoints an attorney to represent a child, ~~and:~~

~~—(a) The parent or guardian of the child is not indigent,] the parent or guardian shall **must not be required to** pay the reasonable fees and expenses of the attorney.~~

~~—(b) The parent or guardian of the child is indigent, the juvenile court may order the parent or guardian to reimburse the county or State in accordance with the ability of the parent or guardian to pay.~~

~~—6. For the purposes of paragraph (b) of subsection 5, the juvenile court shall find that the parent or guardian of the child is indigent if:~~

~~—(a) The parent or guardian:~~

~~—(1) Receives public assistance, as that term is defined in NRS 422A.065;~~

~~—(2) Resides in public housing, as that term is defined in NRS 315.021;~~

~~—(3) Has a household income that is less than 200 percent of the federally designated level signifying poverty;~~

~~—(4) Is incarcerated pursuant to a sentence imposed upon conviction of a crime; or~~

~~—(5) Is housed in a public or private mental health facility; or~~

~~—(b) After considering the particular circumstances of the parent or guardian, including, without limitation, the seriousness of the charges against the child, the monthly expenses of the parent or guardian and the rates for attorneys in the area in which the juvenile court is located, the juvenile court determines that the parent or guardian is financially unable, without substantial hardship to the parent or guardian or his or her dependents, to obtain qualified and competent legal counsel.~~

~~—7.1 6.~~ Each attorney, other than a public defender, who is appointed under the provisions of this section is entitled to the same compensation and expenses from the county as is provided in NRS 7.125 and 7.135 for attorneys appointed to represent persons charged with criminal offenses.

Sec. 6. NRS 62D.035 is hereby amended to read as follows:

62D.035 Subject to the provisions of subsection ~~7.1 6~~ of NRS 62D.030 and chapter 260 of NRS, a public defender or any other attorney who represents a child in proceedings pursuant to the provisions of this title may consult with and seek appointment of:

1. Any social worker licensed pursuant to chapter 641B of NRS;
2. Any qualified mental health professional, as defined in NRS 458A.057;
3. Any educator; and
4. Any other expert the attorney deems appropriate.

Sec. 7. NRS 62E.180 is hereby amended to read as follows:

62E.180 1. The juvenile court may order a child or the parent or guardian of the child, or both, to perform community service.

2. If the juvenile court orders a child or the parent or guardian of the child, or both, to perform community service pursuant to the provisions of this title, ~~the juvenile court may **must not** order the child or~~ **unless** the parent or guardian of the child ~~or both, to deposit with the juvenile court a reasonable sum of money to pay for the cost of~~ **signs a waiver of liability, the authority for which the work is performed shall provide** a policy ~~for~~ **of** insurance against liability for personal injury and damage to property or ~~for~~ industrial insurance, or both, during those periods in which the work is performed . ~~or unless, in the case of industrial insurance, it is provided by the authority for which the work is performed.~~

Sec. 8. NRS 62E.210 is hereby amended to read as follows:

62E.210 1. If a child has not previously been adjudicated delinquent or in need of supervision and the unlawful act committed by the delinquent child did not involve the use or threatened use of force or violence against a victim, the juvenile court may order a child to complete any or all of the following programs:

(a) A program of cognitive training and human development established pursuant to NRS 62E.220.

(b) A program for the arts as described in NRS 62E.240.

(c) A program of sports or physical fitness as described in NRS 62E.240.

2. If the juvenile court orders the child to participate in a program of cognitive training and human development, a program for the arts or a program

of sports or physical fitness, the juvenile court may order ~~any or all of the following, in the following order of priority if practicable:~~

~~— (a) The child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;~~

~~— (b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program; or~~

~~— (c) The~~ *the* county in which the petition alleging the child to be in need of supervision is filed to pay the costs associated with the participation of the child in the program.

3. Unless the parent or guardian of the child signs a waiver of liability, the program in which the child participates shall provide policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program.

Sec. 9. NRS 62E.280 is hereby amended to read as follows:

62E.280 1. The juvenile court may:

(a) Order such medical, psychiatric, psychological or other care and treatment for a child as the juvenile court deems to be in the best interests of the child; and

(b) Cause the child to be examined by a physician, psychiatrist, psychologist or other qualified person.

2. If the child appears to be in need of medical, psychiatric, psychological or other care or treatment:

(a) The juvenile court may order the parent or guardian of the child to provide such care or treatment; and

(b) If, after due notice, the parent or guardian fails to provide such care or treatment, the juvenile court may order that the child be provided with the care or treatment. When approved by the juvenile court, the expense of such care or treatment is a charge upon the county. ~~†, but the juvenile court may order the person having the duty under the law to support the child to pay part or all of the expenses of such care or treatment.†~~

3. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such care or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such care or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such care or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such care or treatment unless the child receives such care or treatment from a provider that is not approved or the child seeks additional care or treatment

beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such care or treatment.

Sec. 10. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than \$100 ~~and the administrative assessment required by NRS 62E.270~~ or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine; ~~and the administrative assessment;~~ or

(II) The child to perform not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than \$200 ~~and the administrative assessment required by NRS 62E.270~~ or, if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine; ~~and the administrative assessment;~~

(II) The child to perform not more than 10 hours of community service;

or

(III) Compliance with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine,

or has a valid excuse acceptable to the child's teacher or the principal for any absence from school within that period.

3. The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

Sec. 11. NRS 62E.440 is hereby amended to read as follows:

62E.440 1. If a child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, the juvenile court may:

(a) The first time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

- (1) Pay a fine of \$25; and
- (2) Attend and complete a tobacco awareness and cessation program.

(b) The second time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order the child to:

- (1) Pay a fine of \$50; and
- (2) Attend and complete a tobacco awareness and cessation program.

(c) The third or any subsequent time the child is adjudicated to be in need of supervision because the child has committed an offense related to tobacco, order:

- (1) The child to pay a fine of \$75;
- (2) The child to attend and complete a tobacco awareness and cessation program; and
- (3) That the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(I) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(II) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

2. ~~If the juvenile court orders a child to attend and complete a tobacco awareness and cessation program, the juvenile court may order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the program.~~

~~3. If the juvenile court orders a child to pay a fine pursuant to this section, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.~~

~~4. If the juvenile court orders a child to pay a fine and administrative assessment pursuant to this section and the child willfully fails to pay the fine~~

, ~~for administrative assessment,~~ the juvenile court may order that the driver's license of the child be suspended for at least 30 days but not more than 90 days or, if the child does not possess a driver's license, prohibit the child from receiving a driver's license for at least 30 days but not more than 90 days:

(a) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(b) After the date the child becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

↪ If the child is already the subject of a court order suspending or delaying the issuance of the driver's license of the child, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

~~§-3.~~ 3. If the juvenile court suspends the driver's license of a child pursuant to this section, the juvenile court may order the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 permitting the child to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both;

(b) To and from school; or

(c) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

Sec. 12. NRS 62E.600 is hereby amended to read as follows:

62E.600 1. The juvenile court may order a delinquent child to participate in a program of restitution through work that is established pursuant to NRS 62E.580 if the child:

(a) Is 14 years of age or older;

(b) Has never been adjudicated delinquent for an unlawful act that involved the use or threatened use of force or violence against a victim and has never been found to have committed such an unlawful act in any other jurisdiction, unless the juvenile court determines that the child would benefit from the program;

(c) Is ordered to provide restitution to a victim; and

(d) Voluntarily agrees to participate in the program of restitution through work.

2. If the juvenile court orders a child to participate in a program of restitution through work, the juvenile court ~~may order any or all of the following, in the following order of priority if practicable:~~

~~(a) The~~ ***must not order the*** child or the parent or guardian of the child ~~to, or both, to the extent of their financial ability,~~ to pay the costs associated with the participation of the child in the program ~~including, but not limited to, a reasonable sum of money to pay for, without limitation, the cost of~~ ***Unless the parent or guardian of the child signs a waiver of liability, the program or the employer for which the child performs the work, as applicable, shall provide*** policies of insurance against liability for personal injury and damage to property or ~~for~~ industrial insurance, or both, during those periods in which the child participates in the program or performs work ~~unless, in the case~~

~~of industrial insurance, it is provided by the employer for which the child performs the work; or~~

~~—(b) The child to work on projects or perform community service for a period that reflects the costs associated with the participation of the child in the program.~~

Sec. 13. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment provider to submit monthly reports on the treatment of the child pursuant to this section.

~~+(c) Order.~~

7. ~~¶¶~~ ***Except as otherwise provided in this subsection, the juvenile court shall not order*** the child or the parent or guardian of the child ~~}, or both,~~ to the extent of their financial ability, ~~},~~ to pay any charges relating to the evaluation and treatment of the child pursuant to this section. ~~If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:~~

~~— (1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment provider which receives a sufficient amount of federal or state money to offset the remainder of the costs; and~~

~~— (2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.~~

~~— 7.} ***The juvenile court shall:***~~

(a) To the extent possible, arrange for the child to receive such evaluation and treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such evaluation and treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such evaluation and treatment.

(c) Not order the parent or guardian of the child to pay the costs for such evaluation and treatment unless the child receives such evaluation and treatment from a provider that is not approved or the child seeks additional evaluation or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such evaluation and treatment.

~~__~~8. After a treatment provider has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment provider is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

~~†8.} 9.~~ The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Division of Public and Behavioral Health of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

~~†9.} 10.~~ Except as otherwise provided in NRS 239.0115, all information relating to the evaluation or treatment of a child pursuant to this section is

confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

- (a) The juvenile court;
- (b) The child;
- (c) The attorney for the child, if any;
- (d) The parents or guardian of the child;
- (e) The district attorney; and
- (f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

~~10.1~~ **II.** A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 14. ~~NRS 62E.640 is hereby amended to read as follows:~~

~~62E.640 1. If a child is adjudicated delinquent for an unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall, if the child possesses a driver's license:~~

~~(a) Issue an order revoking the driver's license of the child for 185 days and requiring the child to surrender the driver's license of the child to the juvenile court; and~~

~~(b) Not later than 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order and the driver's license of the child.~~

~~2. The Department of Motor Vehicles shall order the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.~~

~~3. If the child is adjudicated delinquent for a subsequent unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, the juvenile court shall order an additional period of revocation to apply consecutively with the previous order.~~

~~4. The juvenile court may:~~

~~(a) Authorize the Department of Motor Vehicles to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section; and~~

~~(b) Order the child to install [, at his or her own expense, or at the expense of the parent or guardian of the child,] a device in any motor vehicle the child operates as a condition to obtaining a restricted license pursuant to NRS 483.490. **The juvenile court shall not order the child or the parent or guardian of the child to pay for the device.**~~

~~5. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450. **(Deleted by amendment.)**~~

Sec. 15. NRS 62E.680 is hereby amended to read as follows:

62E.680 1. If a child is adjudicated delinquent for an unlawful act that involves cruelty to or torture of an animal, the juvenile court shall order the child to participate in counseling or other psychological treatment.

2. ~~¶The~~ Except as otherwise provided in this subsection, the juvenile court shall *not* order the child or the parent or guardian of the child ~~to, or both, to the extent of their financial ability,~~ to pay the cost of the child to participate in the counseling or other psychological treatment. The juvenile court shall:

(a) To the extent possible, arrange for the child to receive such counseling or treatment from an approved provider that receives a sufficient amount of federal or state funding to offset the remainder of the costs of such counseling or treatment.

(b) Arrange for the billing of any available public or private medical insurance to pay for such counseling or treatment.

(c) Not order the parent or guardian of the child to pay the costs of such counseling or treatment unless the child receives such counseling or treatment from a provider that is not approved or the child seeks additional counseling or treatment beyond that recommended for the child, in which case the parent or guardian of the child shall pay the costs of such counseling or treatment.

3. As used in this section:

(a) “Animal” does not include the human race, but includes every other living creature.

(b) “Torture” or “cruelty” includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 16. NRS 62E.685 is hereby amended to read as follows:

62E.685 If a child is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals in violation of NRS 501.376, the juvenile court may do any or all of the following:

1. Order the child to pay a fine. ~~If the juvenile court orders the child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.~~ If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service.

2. Order the child or the parent or guardian of the child, or both, to pay a civil penalty pursuant to NRS 501.3855.

3. Order that any license issued to the child pursuant to chapter 502 of NRS be revoked by the Department of Wildlife. The juvenile court shall order the child to surrender to the court any license issued to the child pursuant to chapter 502 of NRS then held by the child and, not later than 5 days after issuing the order, forward to the Department of Wildlife any license surrendered by the child and a copy of the order.

4. Order that the child must not receive a license to hunt, fish or trap within the 2 years immediately following the date of the order or until the child is 18 years of age, whichever is later.

5. Order the child placed on probation and impose such conditions as the juvenile court deems proper.

Sec. 17. NRS 62E.720 is hereby amended to read as follows:

62E.720 1. The juvenile court may order a delinquent child to participate in a program of visitation to the office of the county coroner that is established pursuant to this section.

2. In determining whether to order the child to participate in such a program, the juvenile court shall consider whether the unlawful act committed by the child involved the use or threatened use of force or violence against the child or others or demonstrated a disregard for the safety or well-being of the child or others.

3. The juvenile court may establish a program of visitation to the office of the county coroner in cooperation with the coroner of the county pursuant to this section.

4. Before a delinquent child may participate in a program of visitation, the parent or guardian of the child must provide to the juvenile court on a form provided by the juvenile court:

(a) Written consent for the child to participate in the program of visitation; and

(b) An executed release of liability for any act or omission, not amounting to gross negligence or willful misconduct of the juvenile court, the county coroner, or any other person administering or conducting a program of visitation, that causes personal injury or illness of the child during the period in which the child participates in the program of visitation.

5. A program of visitation must include, but is not limited to:

(a) A visit to the office of the county coroner at times and under circumstances determined by the county coroner.

(b) A course to instruct the child concerning:

(1) The consequences of the child's actions; and

(2) An awareness of the child's own mortality.

(c) An opportunity for each participant in a program of visitation to evaluate each component of the program.

6. The juvenile court ~~may~~ **shall not** order the child ~~or~~ the parent or guardian of the child ~~or both~~ to pay ~~a fee of not more than \$45 based on the ability of the child or the parent or guardian of the child, or both, to pay~~ for the costs associated with the participation of the child in the program of visitation.

Sec. 18. NRS 62E.730 is hereby amended to read as follows:

62E.730 1. The juvenile court may order a delinquent child to pay a fine.

2. ~~If the juvenile court orders a delinquent child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270.~~

~~3.~~ If a delinquent child is less than 17 years of age, the juvenile court may order the parent or guardian of the child to pay any fines and penalties that the juvenile court imposes for the unlawful act committed by the child.

~~4.~~ 3. If, because of financial hardship, the parent or guardian is unable to pay any fines and penalties that the juvenile court imposes for the unlawful act

committed by the child, the juvenile court may order the parent or guardian to perform community service.

Sec. 19. NRS ~~62B.110,~~ 62B.130, 62E.270, 62E.300 and 62E.540 are hereby repealed.

Sec. 20. This act becomes effective on July 1, 2019.

LEADLINES OF REPEALED SECTIONS

~~62B.110 Parent or guardian to reimburse county for ancillary services provided to child; civil remedy.~~

62B.130 Parent or guardian to reimburse county for support of child during detention in local facility for detention of children; civil remedy.

62E.270 Administrative assessment to be ordered when fine is imposed against certain persons.

62E.300 Payment of expenses of proceedings by parent or guardian.

62E.540 Commitment of child to Division of Child and Family Services: Payment of expenses by parent or guardian.

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 604.

SUMMARY—Revises provisions relating to ~~home warranties;~~ **construction.** (BDR ~~43-1108~~) **54-1108**)

AN ACT relating to ~~real property;~~ **construction;** requiring a ~~contractor~~ **licensee** who builds a new **single-family** residence to provide to the purchaser of the residence **a disclosure containing certain information and** a ~~new home~~ **builder's** warranty that meets certain criteria; **revising provisions relating to the acts or omissions that constitute cause for disciplinary action by the State Contractors' Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain acts or omissions constitute cause for disciplinary action by the State Contractors' Board. (NRS 624.301, 624.3016) Section 1 of this bill requires a ~~contractor~~ licensee who builds a new **single-family residence to provide to the purchaser of ~~the~~ the new residence **a disclosure containing certain information and** a ~~new home~~ builder's warranty that meets certain criteria. ~~Sections 2-4 of this bill make conforming changes.~~ Section 1.7 of this bill provides that the failure of a licensee to comply with section 1 or with the requirement to notify an owner about the Residential Construction Recovery Fund constitutes cause for disciplinary action by the Board. Section 1.3 of this bill revises**

the elements of certain acts that constitute cause for such disciplinary action by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~440~~ 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ~~contractor~~ licensee who completes construction of a new, single-family residence shall provide to the purchaser of the residence ~~a new home~~ :

(a) A separate, single-page disclosure describing the rights of the purchaser under this chapter, including, without limitation, the right to file a complaint pursuant to NRS 624.480 seeking recovery from the account established pursuant to NRS 624.470; and

(b) A builder's warranty that meets the requirements of this section.

2. A ~~new home~~ builder's warranty provided by a ~~contractor~~ licensee pursuant to this section must:

(a) Be in writing.

(b) Be valid for a period of at least 1 year ~~after~~ from the date of ~~final completion of construction~~ occupancy of the residence ~~f~~

~~—(b) Offer coverage for all:~~

~~—(1) Defective systems, workmanship, materials, plumbing, electrical and mechanical systems, appliances, fixtures and equipment; and~~

~~—(2) Structural defects.~~

~~3. A contractor who constructs a new residence remains liable to the purchaser of a residence to perform all necessary repairs and corrections to the residence in accordance with the terms of the contract until coverage under the new home warranty begins upon final completion of construction.~~

~~4. As used in this section, "final completion of construction" means the purchaser of the residence has notified the contractor, in writing, that:~~

~~—(a) There are no items in the residence to be repaired or corrected; or~~

~~—(b) If the purchaser has provided to the contractor a list or description of all items in the residence to be repaired or corrected, often referred to as a punch list, all items on the list have been repaired or corrected to the satisfaction of the purchaser.]~~ by the purchaser of the residence or the date that title to the residence transfers to the purchaser, whichever is earlier,

except that the period of validity of the builder's warranty must be extended beyond the 1-year period, if necessary, for any claim submitted to the licensee in writing during the 1-year period until the claim has been resolved or the item requiring repair has been reasonably repaired. For the purposes of this paragraph, "reasonably repaired" means repaired consistent with the performance standards set forth in the builder's warranty or, if there are no applicable performance standards set forth in the builder's warranty, commensurate with standards of the trade that are in general effect at the time of completion of construction.

(c) Contain terms that include, without limitation, warranting all home systems, workmanship, materials, plumbing, electrical and mechanical systems, appliances installed by contractors, fixtures, equipment and structural components, unless a separate warranty is provided by the manufacturer or installer of such a product, component or system.

(d) Be transferable to a subsequent purchaser of the residence.

(e) Not be deemed, construed or interpreted to constitute a waiver or release of any other warranty from the licensee provided by contract or otherwise available under the laws of this State.

3. A licensee who fails to comply with this section:

(a) Commits an act or omission that constitutes cause for disciplinary action as provided in subsection 12 of NRS 624.3016;

(b) May be subject to a written administrative citation as provided in NRS 624.341; and

(c) If the failure arises out of being nonresponsive to a reasonable claim under the builder's warranty, in addition to any other disciplinary action imposed by the Board, may be ordered by the Board to reimburse the purchaser for any costs or expenses incurred by the purchaser for hiring another licensee to repair the item at issue or resolve the claim.

Sec. 1.3. NRS 624.301 is hereby amended to read as follows:

624.301 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Abandonment without legal excuse of any construction project or operation ~~engaged in or undertaken by the licensee as a contractor.~~

2. Abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment, unless the contractor is entitled to retain the amount paid pursuant to the terms of the contract or the contractor refunds the excessive amount paid within 30 days after the abandonment of the project.

3. Failure in a material respect ~~on the part of a licensee~~ to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract.

4. ~~Willful failure~~ **Failure** or refusal without legal excuse ~~on the part of a licensee as a contractor~~ to prosecute a construction project or operation with reasonable diligence. ~~thereby causing material injury to another.~~

5. ~~Willful failure~~ **Failure** or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty. ~~thereby causing material injury to another.~~

Sec. 1.7. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245 ~~1~~, ~~for~~ 108.246 ~~1~~ or 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

9. Failure to file a certified payroll report that is required for a contract for a public work.

10. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

11. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

12. Failure to comply with section 1 of this act.

~~Sec. 2. NRS 40.600 is hereby amended to read as follows:
40.600 As used in NRS 40.600 to 40.695, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 40.603 to 40.634, inclusive, have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

~~Sec. 3. NRS 40.625 is hereby amended to read as follows:
40.625 "Homeowner's warranty" means a warranty or policy of insurance:~~

~~1. Issued or purchased by or on behalf of a contractor for the protection of a claimant [;], including, without limitation, a new home warranty provided pursuant to section 1 of this act; or~~

~~2. Purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive.~~

~~The term includes a warranty contract issued by a risk retention group that operates in compliance with chapter 695E of NRS and insures all or any part of the liability of a contractor for the cost to repair a constructional defect in a residence. (Deleted by amendment.)~~

~~Sec. 4. NRS 40.635 is hereby amended to read as follows:
40.635 NRS 40.600 to 40.695, inclusive [;], and section 1 of this act:~~

~~1. Apply to any claim that arises before, on or after July 1, 1995, as the result of a constructional defect, except a claim for personal injury or wrongful death, if the claim is the subject of an action commenced on or after July 1, 1995.~~

~~2. Prevail over any conflicting law otherwise applicable to the claim or cause of action.~~

~~3. Do not bar or limit any defense otherwise available, except as otherwise provided in those sections.~~

~~4. Do not create a new theory upon which liability may be based, except as otherwise provided in those sections.~~ **(Deleted by amendment.)**

Assemblyman Yeager moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 453.

AN ACT relating to child welfare; directing the Legislative Committee on Child Welfare and Juvenile Justice to conduct an interim study concerning juvenile detention in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Legislative Committee on Child Welfare and Juvenile Justice and directs the Committee to evaluate and review various issues relating to child welfare and juvenile justice in this State. (NRS 218E.700-218E.720) ~~[[This]]~~ **Section 1 of this** bill requires the Committee to conduct a study during the 2019-2020 interim concerning juvenile detention in this State. The study must include: (1) consideration of the implementation of a regional approach to housing juvenile offenders in this State; (2) a review of the adequacy of the current capacity of institutions and facilities in this State to house juvenile offenders; (3) a review of the current level of family and community engagement afforded to juveniles in the juvenile justice system and opportunities for an increase in such family and community engagement; ~~and~~ (4) **an analysis of current programming relating to the education, health and wellness of juvenile offenders in this State**; **(5) a review of the programs and services in other states where juvenile offenders who are tried as adults are housed with juvenile offenders within the juvenile justice system;** **(6) an analysis of sentencing practices for juvenile offenders in other states and an identification of best practices sentencing standards for juvenile offenders;** **and (7) a review of the facilities, services and programs available in this State for children who are determined to be incompetent by the juvenile court. Section 2 of this bill requires the Nevada Department of Corrections and each local and state institution or facility for the detention of juvenile offenders to present certain data, trends and other information to the Committee to assist the Committee in conducting the study required by section 1 of this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Legislative Committee on Child Welfare and Juvenile Justice shall conduct a study during the 2019-2020 interim concerning juvenile detention in this State. The study must include, without limitation:

(a) Consideration of the implementation of a regional approach to the housing of juvenile offenders in this State, through which the Nevada Department of Corrections retains jurisdiction over juvenile offenders who are housed locally in other local or state institutions or facilities ~~for~~ **for the detention of juvenile offenders;**

(b) A review of the adequacy of the current capacity of institutions and facilities in this State to house juvenile offenders;

(c) A review of the current level of family and community engagement afforded to juveniles in the juvenile justice system and the feasibility of programs to increase the level of family and community engagement received by juveniles in the juvenile justice system; ~~and~~

(d) An analysis of the current offerings of educational, health and wellness programming for juvenile offenders in institutions and facilities in this State ~~and~~;

(e) A review of the programs and services in other states where juvenile offenders who are tried as adults are housed with juvenile offenders within the juvenile justice system;

(f) An analysis of sentencing practices for juvenile offenders in other states and an identification of best practices sentencing standards for juvenile offenders; and

(g) A review of the facilities, services and programs available in this State for children who are determined to be incompetent by the juvenile court pursuant to NRS 62D.140 to 62D.190, inclusive.

2. **In conducting the study, the Legislative Committee on Child Welfare and Juvenile Justice shall consult with and solicit input from persons and organizations with expertise in the issues concerning the detention of juvenile offenders, including, without limitation, local, state and national experts.**

3. The Legislative Committee on Child Welfare and Juvenile Justice shall include its findings and any recommendations for legislation relating to the study conducted pursuant to subsection 1 in its report submitted to the Director of the Legislative Counsel Bureau pursuant to subsection 2 of NRS 218E.720.

Sec. 2. To assist the Legislative Committee on Child Welfare and Juvenile Justice in conducting the study pursuant to section 1 of this act, the Nevada Department of Corrections and each local and state institution or facility for the detention of juvenile offenders shall present to the Committee data, trends and other information relating to the institution or facility, including, without limitation:

1. The operating budget of the institution or facility and money available for programming and services at the institution or facility;
2. The average daily population, average length of stay and the highest degree of offense for which a juvenile is held at the institution or facility;
3. The age, capacity and condition of the institution or facility;
4. Current staffing ratios and any staffing shortages at the institution or facility;
5. The educational, vocational and recreational programs offered at the institution or facility;
6. The number of juveniles held at the institution or facility, reported by age, race and ethnicity, gender, degree of offense committed, distance from home and if it can be reported, the length of sentence;
7. Data concerning risk and needs assessments, special education needs, and mental health diagnoses of the juvenile offenders at the institution or facility; and
8. The estimated costs that would be incurred by the institution or facility to transition the juvenile offenders to an integrated program.

Sec. 3. This act becomes effective on July 1, 2019.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 493.

AN ACT relating to professions; **revising the membership of the Board of Psychological Examiners;** providing that certain provisions governing persons licensed as psychologists also apply to persons registered as psychological assistants, psychological interns and psychological trainees; **revising the requirements for licensure by endorsement to practice as a psychologist;** revising the requirements for an application for the initial registration as a psychological assistant, psychological intern or psychological trainee to be considered complete and received; **revising provisions relating to the amount of fees that the Board charges and collects;** **revising provisions relating to service of process;** revising provisions governing investigations of complaints filed with the Board; ~~of Psychological Examiners;~~ providing that certain out-of-state orders are conclusive evidence of the occurrence of other disciplinary actions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Psychological Examiners and provides that the Board consists of six members who are appointed by the Governor. (NRS 641.030) Existing law provides the specific qualifications

that the members of the Board must satisfy. (NRS 641.040) Section 1 of this bill provides that the Board consists of seven members. Section 1.3 of this bill requires the additional member to be a licensed psychologist who: (1) has at least 5 years of experience; and (2) is a core faculty member at certain doctorate-level programs or internship locations. Section 1.3 further provides that if such a licensed psychologist is not available, then the additional member must be a licensed psychologist with at least 5 years of experience in the practice of psychology.

Existing law requires the Secretary-Treasurer of the Board of Psychological Examiners to make and keep, on behalf of the Board, a register of licenses to practice psychology and a register of all holders of such licenses. (NRS 641.090) Existing law authorizes the Board to enter into an agreement with the Department of Health and Human Services or a division thereof for certain types of administrative assistance, including assistance in processing applications for the issuance or renewal of licenses to practice psychology. (NRS 641.1105) Existing law requires the Board to submit to the Legislative Committee on Health Care a report which includes the number of applications for the issuance or renewal of a license to practice psychology. (NRS 641.145) **Sections ~~1-3~~ 1.7-3** of this bill provide that these provisions also apply to persons who are registered as psychological assistants, psychological interns or psychological trainees.

Existing law provides the grounds for the Board to commence disciplinary actions against a person who is licensed to practice psychology. Existing law further establishes the procedure used by the Board for pursuing disciplining actions against a person who is licensed to practice psychology. (NRS 641.230-641.320) Existing law sets forth the appeals process that a person may pursue if the person is aggrieved by: (1) the Board's denial of an application of a license to practice psychology; or (2) the issuance of an order by the Board that imposes disciplinary action against the person. (NRS 641.325) Existing law further provides the types of actions that are prohibited. Existing law provides that a person who commits such a prohibited act is guilty of a gross misdemeanor. (NRS 641.440) **Sections 5-9 and 11-23** of this bill provide that these provisions also apply to persons who are registered as psychological assistants, psychological interns or psychological trainees.

Existing law provides the requirements that a person must satisfy to be issued a license by endorsement to practice as a psychologist by the Board. (NRS 641.195) Section 3.5 of this bill imposes additional requirements that an applicant for a license by endorsement to practice as a psychologist must satisfy.

Existing law provides that the application for initial registration as a psychological assistant, psychological intern or psychological trainee is not considered complete and received until the Board receives a complete set of fingerprints or verification that the fingerprints of the applicant have been forwarded to the Central Repository for Nevada Records of Criminal History. (NRS 641.226) **Section 4** of this bill provides that the application for initial

registration as a psychological assistant, psychological intern or psychological trainee is not considered complete and received until the Board also receives the fee for the initial registration of a psychological assistant, psychological intern or psychological trainee prescribed by the Board.

Existing law requires the Board to charge and collect certain fees for certain examinations, issuances of licenses and other purposes. (NRS 641.228) Section 4.5 of this bill establishes a fee for the issuance of an initial expedited license by endorsement to practice as a psychologist. Section 4.5 further requires the Board to charge and collect the fee for certain licenses by endorsement and to also charge and collect the biennial fee for the renewal of a license, which must be prorated. Section 4.5 additionally increases the fee amounts for the biennial renewal of a license of a psychologist and the fee amounts relating to the restoration of a license.

Existing law sets forth the requirements for service of process pursuant to Chapter 641 of NRS. (NRS 641.243) Section 7 of this bill provides that service of process must be made by: (1) personal delivery of a copy of the process upon the person; or (2) sending a copy of the process by certified mail to the person at his or her last known address. Section 7 additionally provides when service of process is deemed to be complete.

Existing law provides the process through which a person may file a complaint against a person who practices psychology. (NRS 641.250) When a complaint is filed with the Board, existing law requires the Board to review the complaint. If it appears that the complaint is not frivolous, the Board may: (1) retain the Attorney General to investigate the complaint; and (2) if the Board retains the Attorney General, transmit the original complaint and supporting documents to the Attorney General. (NRS 641.270) **Section 10** of this bill requires, when a complaint is filed with the Board, the Board or an investigator designated by the Board to review the complaint. **Section 10** also requires the Board, through the President of the Board and the investigator designated by the Board, to investigate the complaint if the Board or the investigator designated by the Board determines that the complaint is not frivolous.

Existing law requires the Board to conduct an investigation of each complaint which sets forth reason to believe that a person represented or practiced as a psychologist without a license. If, after conducting such an investigation, the Board determines that such representation or practice has occurred, the Board shall provide a written summary of the Board's determination and supporting documents to the Attorney General. (NRS 641.2705) **Section 11** of this bill removes this requirement to provide a written summary to the Attorney General and instead requires the Board to forward to the appropriate law enforcement agency any substantiated information regarding a person who practices or offers to practice as a psychologist or psychological assistant, psychological intern or psychological trainee without

a license or registration, unless the Board determines extenuating circumstances exist.

Existing law provides the process through which the Attorney General is to conduct an investigation of a complaint that the Board has transmitted to the Attorney General. (NRS 641.271) **Section 24** of this bill repeals this provision.

Existing law provides that, in a disciplinary proceeding before the Board, a panel of its members or a hearing officer, a certified copy of the record of a licensing agency showing a conviction or the suspension or revocation of a license to practice psychology is conclusive evidence of its occurrence. (NRS 641.285) In addition to such certified copies of the record, **section 15** of this bill provides that, in such a disciplinary proceeding, an order containing any other disciplinary action entered by a court in the District of Columbia or any state or territory of the United States is also conclusive evidence of its occurrence.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 641.030 is hereby amended to read as follows:

641.030 The Board of Psychological Examiners, consisting of ~~five~~ **seven** members appointed by the Governor, is hereby created.

Sec. 1.3. NRS 641.040 is hereby amended to read as follows:

641.040 1. The Governor shall appoint to the Board:

(a) Four members who are licensed psychologists in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed.

(b) One member who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care.

(c) **One member who is a licensed psychologist in the State of Nevada with at least 5 years of experience in the practice of psychology after being licensed and who is a core faculty member at a doctorate-level program or internship location that is accredited by the American Psychological Association for at least 3 years before the time of appointment. If such a licensed psychologist is not available to serve, the Governor shall appoint one member who meets the requirements set forth in paragraph (a).**

(d) One member who is a representative of the general public.

2. A person is not eligible for appointment unless he or she is:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada.

3. The member who is a representative of the general public must not be a psychologist, an applicant or a former applicant for licensure as a psychologist, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a psychologist, or a member of a household that includes a psychologist.

4. Board members must not have any conflicts of interest or the appearance of such conflicts in the performance of their duties as members of the Board.

~~Section 1.1~~ **Sec. 1.7.** NRS 641.090 is hereby amended to read as follows:

641.090 1. The Secretary-Treasurer shall make and keep on behalf of the Board:

- (a) A record of all its meetings and proceedings.
- (b) A record of all violations and prosecutions under the provisions of this chapter.
- (c) A record of all examinations of applicants.
- (d) A register of all licenses ~~and~~ **registrations.**
- (e) A register of all holders of licenses ~~and~~ **registrations.**
- (f) An inventory of the property of the Board and of the State in the Board's possession.

2. These records must be kept in the office of the Board and, except as otherwise provided in this section, are subject to public inspection during normal working hours upon reasonable notice.

3. Except as otherwise provided in NRS 239.0115, the Board may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 2. NRS 641.1105 is hereby amended to read as follows:

641.1105 The Board may enter into an agreement with the Department of Health and Human Services or a division thereof to provide services to carry out or improve any function of the Board. Such services may include, without limitation:

1. Assistance in processing applications for the issuance or renewal of licenses ~~and~~ **registrations;**
2. Technical assistance;

3. Facilitating cooperation with other boards and licensing entities in this State or any other jurisdiction;

4. Recommendations to improve and standardize procedures used by the Board; and

5. Assistance in identifying resources for improving the operations of the Board.

Sec. 3. NRS 641.145 is hereby amended to read as follows:

641.145 On or before February 1 of each year, the Board shall submit to the Legislative Committee on Health Care a report which must include:

1. The number of complaints received, investigations completed, cases dismissed, cases settled and cases for which hearings were held within the immediately preceding calendar year; and

2. The number of applications for the issuance or renewal of a license *or registration* received by the Board during the immediately preceding calendar year and the number of those applications for which the Board conducted additional review beyond the standard review regularly conducted by the Board.

Sec. 3.5. **NRS 641.195 is hereby amended to read as follows:**

641.195 1. The Board may issue a license by endorsement as a psychologist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~holds~~:

(a) Holds a corresponding valid, *active* and unrestricted license as a psychologist in the District of Columbia or any state or territory of the United States ~~+~~;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to practice psychology pursuant to this chapter, as determined by the Board pursuant to subsection 2; and

(c) Satisfies the requirements of this section and this chapter.

2. The Board shall adopt regulations providing a list of any state or territory of the United States and the District of Columbia, if applicable, whose qualifications are substantially similar to the qualifications required for issuance of a license to practice psychology pursuant to this chapter. If the Board determines that the qualifications of any state or territory of the United States and the District of Columbia, if applicable, are not substantially similar, the Board shall:

(a) Provide its reasoning as to why the jurisdiction is not substantially similar; and

(b) Publish its reasoning on the Internet website maintained by the Board.

3. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

- (1) Satisfies the requirements of subsection 1;
- (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;
- (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a psychologist; ~~and~~

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(5) Has not had a license to engage in the practice of psychology suspended or revoked in the District of Columbia or any state or territory of the United States;

(6) Has not been refused a license to engage in the practice of psychology in the District of Columbia or any state or territory of the United States for any reason; and

(7) Does not have pending any disciplinary action concerning his or her license to engage in the practice of psychology in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160; and

(c) ~~An affidavit stating that the information contained in the application and any accompanying material is true and correct;~~

~~(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license. and~~

4. The Board may require an applicant for a license by endorsement pursuant to this section to submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination approved by the Board;

(2) Has satisfied the requirements of paragraph (d) of subsection 1 of NRS 641.170;

(3) Has engaged in the practice of psychology pursuant to the applicant's existing licensure for at least 3 years; and

(4) Possesses a sufficient degree of competency in the practice of psychology, as demonstrated by his or her completion of an examination administered by the Board;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

~~(c)~~ (c) Any other information required by the Board.

~~3.~~ 5. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist to the applicant not later than:

- (a) Forty-five days after receiving the application; or
 - (b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,
- ↪ whichever occurs later.

~~4.1~~ 6. A license by endorsement as a psychologist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

7. The Board may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph (b) of subsection 3; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the Board has not previously taken disciplinary action against the licensee based on that conviction.

Sec. 4. NRS 641.226 is hereby amended to read as follows:

641.226 1. A person who wishes to obtain any postdoctoral supervised experience that is required for licensure as a psychologist pursuant to paragraph (e) of subsection 1 of NRS 641.170 must register with the Board as a psychological assistant.

2. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to engage in a predoctoral internship pursuant to the requirements of the training program,

↪ may register with the Board as a psychological intern.

3. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to perform professional activities or services under the supervision of a psychologist,

↪ may register with the Board as a psychological trainee.

4. A person desiring to register as a psychological assistant, psychological intern or psychological trainee must:

(a) Make application to the Board on a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints, a fee for the processing of fingerprints established by the Board and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

5. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

6. An application for initial registration as a psychological assistant, psychological intern or psychological trainee is not considered complete and received until the Board receives ~~it~~:

(a) A complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section ~~it~~; and

(b) *The fee for the initial registration of a psychological assistant, psychological intern or psychological trainee that is prescribed by the Board pursuant to NRS 641.228.*

7. A registration as a:

(a) Psychological assistant expires 1 year after the date of registration unless the registration is renewed pursuant to subsection 8. A registration as a psychological assistant may not be renewed if the renewal would cause the psychological assistant to be registered as a psychological assistant for more than 3 years unless otherwise approved by the Board.

(b) Psychological intern expires 2 years after the date of registration and may not be renewed unless otherwise approved by the Board.

(c) Psychological trainee expires 2 years after the date of registration unless the registration is renewed pursuant to subsection 8. A registration as a psychological trainee may not be renewed if the renewal would cause the psychological trainee to be registered as a psychological trainee for more than 5 years unless otherwise approved by the Board.

8. To renew a registration as a psychological assistant, psychological intern or psychological trainee, the registrant must, on or before the expiration of the registration:

- (a) Apply to the Board for renewal;
- (b) Pay the fee prescribed by the Board pursuant to NRS 641.228 for the renewal of a registration as a psychological assistant, psychological intern or psychological trainee; and
- (c) Submit all information required to complete the renewal.

9. Any activity or service performed by a psychological assistant, psychological intern or psychological trainee must be performed under the supervision of a psychologist in accordance with regulations adopted by the Board.

Sec. 4.5. NRS 641.228 is hereby amended to read as follows:

641.228 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination.....	\$100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination.....	100
For the issuance of an initial license including a license by endorsement	25
<u>For the issuance of an initial license by endorsement</u>	<u>125</u>
For the biennial renewal of a license of a psychologist.....	1500 <u>850</u>
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license.....	1100 <u>200</u>
<u>For the restoration of a license suspended for the nonsubmission of evidence to the Board of completion of the requirements for continuing education as required for the renewal of the license</u>	<u>200</u>
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology.....	300
For the registration of a nonresident to practice as a consultant.....	100

For the initial registration of a psychological assistant,
 psychological intern or psychological trainee 250
 For the renewal of a registration of a psychological
 assistant, psychological intern or psychological
 trainee..... 150

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. Except as otherwise provided in subsections 4 and 5 and NRS 641.195, in addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.

4. If an applicant submits an application for a license by endorsement pursuant to NRS 641.195, the Board shall charge and collect ~~not~~:

(a) Not more than the fee specified in subsection 1 for the issuance of an initial license ~~+~~ by endorsement; and

(b) The biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 641.196, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license ~~+~~ by endorsement.

6. If an applicant submits an application for initial registration as a psychological assistant, psychological intern or psychological trainee pursuant to NRS 641.226 and the applicant has previously been registered as a psychological assistant, psychological intern or psychological trainee, the Board must waive the fee set forth in subsection 1 for the initial registration.

Sec. 5. NRS 641.230 is hereby amended to read as follows:

641.230 1. The Board may suspend or revoke a person's license as a psychologist ~~+~~ ***or registration as a psychological assistant, psychological intern or psychological trainee,*** place the person on probation, require remediation for the person or take any other action specified by regulation if the Board finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of psychology ~~+~~ ***or to practicing as a psychological assistant, psychological intern or psychological trainee;***

(b) Been convicted of any crime or offense that reflects the inability of the person to practice psychology ***or to practice as a psychological assistant, psychological intern or psychological trainee*** with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology ~~or~~ **or the practice as a psychological assistant, psychological intern or psychological trainee;**

(e) Aided or abetted the practice of psychology **or the practice as a psychological assistant, psychological intern or psychological trainee** by a person not licensed **or registered** by the Board.

(f) Made any fraudulent or untrue statement to the Board.

(g) Violated a regulation adopted by the Board.

(h) Had a license to practice psychology **or registration to practice as a psychological assistant, psychological intern or psychological trainee** suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology **or registration to practice as a psychological assistant, psychological intern or psychological trainee** issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

(k) Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, “preponderance of the evidence” has the meaning ascribed to it in NRS 233B.0375.

Sec. 6. NRS 641.240 is hereby amended to read as follows:

641.240 1. If the Board, a panel of its members or a hearing officer appointed by the Board finds a person guilty in a disciplinary proceeding, it may:

- (a) Administer a public reprimand.
 - (b) Limit the person's practice.
 - (c) Suspend the person's license *or registration* for a period of not more than 1 year.
 - (d) Revoke the person's license ~~+~~ *or registration*.
 - (e) Impose a fine of not more than \$5,000.
 - (f) Revoke or suspend the person's license *or registration* and impose a monetary penalty.
 - (g) Suspend the enforcement of any penalty by placing the person on probation. The Board may revoke the probation if the person does not follow any conditions imposed.
 - (h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board. The person named in the complaint is responsible for any expense incurred.
 - (i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.
 - (j) Require the person to pay for the costs of remediation or restitution.
2. The Board shall not administer a private reprimand.
 3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 7. NRS 641.243 is hereby amended to read as follows:

641.243 Except as otherwise provided in chapter 622A of NRS:

1. Service of process made under this chapter must be ~~either~~ *made by:*

(a) Personal delivery of a copy of the process upon the person ~~;~~ or ~~by registered or~~

(b) Sending a copy of the process by certified mail ~~with return receipt requested, addressed to the psychologist, psychological assistant, psychological intern or psychological trainee~~ *to the person* at his or her last known address, as indicated on the records of the Board. ~~[, if possible. If personal service cannot be made and if notice by mail is returned undelivered, the Board shall cause notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the psychologist's, psychological assistant's, psychological intern's or psychological trainee's last known address or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.]~~

2. ~~[Proof of service]~~ *Service* of process ~~for publication of notice~~ made under this chapter ~~must~~ *shall* be ~~filed with the Board and must be recorded in the minutes of the Board.~~ *deemed to be complete:*

(a) If a copy of the process is personally delivered pursuant to paragraph (a) of subsection 1, on the date on which the copy of the process is personally delivered; or

(b) If a copy of the process is mailed pursuant to paragraph (b) of subsection 1, on the date on which the copy of the process is mailed.

Sec. 8. NRS 641.245 is hereby amended to read as follows:

641.245 1. The Board, any member thereof, a panel of its members or a hearing officer may issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients, and any other article related to the practice of psychology ~~or~~ **or to the practice as a psychological assistant, psychological intern or psychological trainee.**

2. If any witness refuses to attend or testify or produce any article as required by the subpoena, the Board may file a petition with the district court stating that:

(a) Due notice has been given for the time and place of attendance of the witness or the production of the required articles;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend or produce the articles required by the subpoena or has refused to answer questions propounded to him or her,

↪ and asking for an order of the court compelling the witness to attend and testify before the Board, a panel of its members or a hearing officer, or produce the articles as required by the subpoena.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the articles. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the Board, a panel of its members or a hearing officer at the time and place fixed in the order and testify or produce the required articles, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 9. NRS 641.250 is hereby amended to read as follows:

641.250 1. The Board or any of its members, any review panel of a hospital or an association of psychologists which becomes aware that any one or combination of the grounds for initiating disciplinary action may exist as to a person practicing psychology **or practicing as a psychological assistant, psychological intern or psychological trainee** in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 10. NRS 641.270 is hereby amended to read as follows:

641.270 When a complaint is filed with the Board, ~~the Board or an investigator designated by the Board~~ shall review the complaint. If, ~~from the complaint or from other official records, it appears~~ **upon completing the review of the complaint, the Board or the investigator designated by the Board determines** that the complaint is not frivolous, the Board ~~may:~~

~~1. Retain the Attorney General to investigate the complaint; and~~

~~2. If the Board retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.] , through the President of the Board and the investigator designated by the Board, shall investigate the complaint.~~

Sec. 11. NRS 641.2705 is hereby amended to read as follows:

641.2705 1. The Board , ***through the President of the Board and the investigator designated by the Board***, shall conduct an investigation of each complaint filed pursuant to NRS 641.250 which sets forth reason to believe that a person has violated NRS 641.390.

2. If, after an investigation, the Board determines that a person has violated NRS 641.390, the Board:

(a) May issue and serve on the person an order to cease and desist from engaging in any activity prohibited by NRS 641.390 until the person obtains the proper license ***or registration*** from the Board;

(b) May issue a citation to the person; and

(c) ~~[Shall provide a written summary of the Board's determination and any information relating to the violation to the Attorney General.]~~ ***Unless the Board determines that extenuating circumstances exist, shall forward to the appropriate law enforcement agency any substantiated information that has been submitted to the Board regarding a person who practices or offers to practice:***

(1) Psychology in this State without the proper license issued by the Board pursuant to this chapter; or

(2) As a psychological assistant, psychological intern or psychological trainee in this State without the proper registration issued by the Board pursuant to this chapter.

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. Each violation of NRS 641.390 constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of NRS 641.390, the Board shall assess an administrative fine of:

(a) For a first violation, \$500.

(b) For a second violation, \$1,000.

(c) For a third or subsequent violation, \$1,500.

5. To appeal a citation issued pursuant to subsection 2, a person must submit a written request for a hearing to the Board within 30 days after the date of issuance of the citation.

Sec. 12. NRS 641.272 is hereby amended to read as follows:

641.272 1. Notwithstanding the provisions of chapter 622A of NRS, the Board may require the person named in a complaint to submit to a mental examination conducted by a panel of three psychologists designated by the Board or a physical examination conducted by a physician designated by the Board.

2. Every psychologist licensed under this chapter *and every psychological assistant, psychological intern or psychological trainee registered under this chapter* who accepts the privilege of practicing psychology *or practicing as a psychological assistant, psychological intern or psychological trainee* in this State shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the Board. The testimony or reports of the examining psychologists or physician are privileged communications, except as to proceedings conducted pursuant to this chapter.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a psychologist, *psychological assistant, psychological intern or psychological trainee* to submit to an examination as provided in this section constitutes grounds for the immediate suspension of the psychologist's license ~~or the psychological assistant's, psychological intern's or psychological trainee's registration.~~

Sec. 13. NRS 641.273 is hereby amended to read as follows:

641.273 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any psychologist, *psychological assistant, psychological intern or psychological trainee* has raised a reasonable question as to competence to practice psychology *or to practice as a psychological assistant, psychological intern or psychological trainee* with reasonable skill and safety to patients, the Board may require the psychologist, *psychological assistant, psychological intern or psychological trainee* to take a written or oral examination to determine whether the psychologist, *psychological assistant, psychological intern or psychological trainee* is competent to practice psychology ~~or to practice as a psychological assistant, psychological intern or psychological trainee.~~ If an examination is required, the reasons therefor must be documented and made available to the psychologist, *psychological assistant, psychological intern or psychological trainee* being examined.

Sec. 14. NRS 641.274 is hereby amended to read as follows:

641.274 Notwithstanding the provisions of chapter 622A of NRS, if the Board, a panel of its members or a hearing officer issues an order suspending the license of a psychologist *or the registration of a psychological assistant, psychological intern or psychological trainee* pending proceedings for disciplinary action and requires the psychologist, *psychological assistant, psychological intern or psychological trainee* to submit to a mental or physical examination or an examination of his or her competency to practice psychology ~~or to practice as a psychological assistant, psychological intern or psychological trainee,~~ the examination must be conducted and the results obtained within 60 days after the Board, panel of its members or hearing officer issues the order.

Sec. 15. NRS 641.285 is hereby amended to read as follows:

641.285 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a panel of its members or a hearing officer:

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct , ~~for~~ practice of psychology , *or practice as a psychological assistant, psychological intern or psychological trainee* harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice psychology *or registration to practice as a psychological assistant, psychological intern or psychological trainee or an order containing any other disciplinary action entered by a court in the District of Columbia or any state or territory of the United States* is conclusive evidence of its occurrence.

3. The entering of a plea of nolo contendere in a court of competent jurisdiction shall be deemed a conviction of the offense charged.

Sec. 16. NRS 641.312 is hereby amended to read as follows:

641.312 1. Any person who has been placed on probation or whose license *or registration* has been limited, suspended or revoked, and whose appeal pursuant to NRS 641.325 has been denied, is entitled to judicial review of the order.

2. Every order which limits the practice of psychology *or the practice as a psychological assistant, psychological intern or psychological trainee* or suspends or revokes a license *or registration* is effective from the date the Board certifies the order until the date the order is modified or reversed by an order of the Commission on Behavioral Health pursuant to NRS 641.325 or a final judgment of the court.

3. The district court shall give a petition for judicial review of the order priority over other civil matters which are not expressly given priority by law.

Sec. 17. NRS 641.314 is hereby amended to read as follows:

641.314 Notwithstanding the provisions of chapter 622A of NRS:

1. Pending disciplinary proceedings before the Board, a panel of its members or a hearing officer, the court may, upon application by the Board or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a psychologist , *psychological assistant, psychological intern or psychological trainee* which is harmful to the public, to limit the psychologist's , *psychological assistant's, psychological intern's or psychological trainee's* practice or to suspend the license to practice psychology ~~or~~ *or registration to practice as a psychological assistant, psychological intern or psychological trainee*, without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

2. The disciplinary proceedings before the Board, a panel of its members or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

Sec. 18. NRS 641.316 is hereby amended to read as follows:

641.316 1. The Board through its President or Secretary-Treasurer or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing ~~psychology~~ :

(a) *Psychology* without a license or authorization to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227 ~~+~~; *or*

(b) *As a psychological assistant, psychological intern or psychological trainee without a registration.*

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license ~~+~~ *or registration.*

Sec. 19. NRS 641.318 is hereby amended to read as follows:

641.318 In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a review panel of a hospital, an association of psychologists or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensing of a psychologist *or the registering of a psychological assistant, psychological intern or psychological trainee* or the discipline of a psychologist, *psychological assistant, psychological intern or psychological trainee* for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 20. NRS 641.320 is hereby amended to read as follows:

641.320 1. Any person:

(a) Whose practice of psychology *or practice as a psychological assistant, psychological intern or psychological trainee* has been limited;

(b) Whose license *or registration* has been revoked; or

(c) Who has been placed on probation,

↪ by an order of the Board, a panel of its members or a hearing officer may apply to the Board after 1 year for removal of the limitation or termination of the probation or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license ~~+~~ *or registration.*

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination conducted by psychologists or by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it considers proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

(c) May deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 21. NRS 641.325 is hereby amended to read as follows:

641.325 1. Not later than 30 days after the Board denies an application for the issuance or renewal of a license *or registration* or issues an order imposing disciplinary action against a licensee ~~+~~ *or registrant*, the applicant, ~~for~~ licensee *or registrant* aggrieved by the order may submit an appeal to

the Commission on Behavioral Health. The Commission shall notify the Board not later than 10 days after receiving such an appeal.

2. The Commission shall, upon an appeal submitted pursuant to subsection 1, investigate the refusal of the Board to issue or renew a license *or registration* or any disciplinary action imposed by the Board. The action of the Board remains in effect until the Commission renders a decision pursuant to subsection 3.

3. After conducting an investigation pursuant to subsection 2, the Commission shall render a decision on the appeal. In rendering a decision, the Commission shall presume that the action of the Board was proper and shall not substitute its judgment for that of the Board concerning the weight of evidence on a question of fact. The Commission may order the Board to issue or renew the license *or registration* or modify or set aside the disciplinary action, as applicable, only if the Commission finds that the action of the Board:

- (a) Violates constitutional or statutory provisions;
- (b) Exceeds the statutory authority of the agency;
- (c) Was made upon unlawful procedure;
- (d) Is affected by other error of law;
- (e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) Is arbitrary or capricious or characterized by abuse of discretion.

4. An investigation conducted by the Commission pursuant to the provisions of this section is limited to the application for the issuance or renewal of a license *or registration* and any information submitted in conjunction with the application or the record of the disciplinary proceeding created by the Board, as applicable. The Board shall provide those records to the Commission upon request. Unless the information is deemed a public record under the provisions of NRS 641.090 or 641.240 or other applicable law, the Commission shall keep the information confidential.

Sec. 22. NRS 641.390 is hereby amended to read as follows:

641.390 1. Except as authorized by the Psychology Interjurisdictional Compact enacted in NRS 641.227, a person shall not represent himself or herself as a psychologist within the meaning of this chapter or engage in the practice of psychology unless he or she is licensed under the provisions of this chapter, except that any psychological scientist employed by an accredited educational institution or public agency which has set explicit standards may represent himself or herself by the title conferred upon him or her by such institution or agency.

2. This section does not grant approval for any person to offer services as a psychologist to any other person as a consultant, and to accept remuneration for such psychological services, other than that of an institutional salary, unless the psychologist has been licensed under the provisions of this chapter.

3. This chapter does not prevent the teaching of psychology or psychological research, unless the teaching or research involves the delivery or supervision of direct psychological services to a person. Persons who have

earned a doctoral degree in psychology from an accredited educational institution may use the title “psychologist” in conjunction with the activities permitted by this subsection.

4. A graduate student in psychology whose activities are part of the course of study for a graduate degree in psychology at an accredited educational institution or a person pursuing postdoctoral training or experience in psychology to fulfill the requirements for licensure under the provisions of this chapter may use the terms “psychological trainee,” “psychological intern” ~~or~~ ~~“psychological resident”~~ or “psychological assistant” if the activities are performed under the supervision of a licensed psychologist in accordance with the regulations adopted by the Board.

5. A person who is certified as a school psychologist by the State Board of Education may use the title “school psychologist” or “certified school psychologist” in connection with activities relating to school psychologists.

Sec. 23. NRS 641.440 is hereby amended to read as follows:

641.440 Any person who:

1. Presents as his or her own the diploma, license, *registration* or credentials of another;

2. Gives either false or forged evidence of any kind to the Board or any member thereof, in connection with an application for a license ~~or~~ *or registration;*

3. Practices psychology *or practices as a psychological assistant, psychological intern or psychological trainee* under a false or assumed name or falsely personates another psychologist, *psychological assistant, psychological intern or psychological trainee* of a like or different name;

4. Except as provided in NRS 641.390, 641.410 and 641A.410, represents himself or herself as a psychologist, or uses any title or description which incorporates the word “psychology,” “psychological,” “psychologist,” “psychometry,” “psychometrics,” “psychometrist” or any other term indicating or implying that he or she is a psychologist, unless he or she has been issued a license; ~~or~~

5. *Except as otherwise provided in NRS 641.390, represents himself or herself as a psychological assistant, psychological intern or psychological trainee, or uses any title or description which incorporates the words “psychological assistant,” “psychological intern” or “psychological trainee” or any other term indicating or implying that he or she is a psychological assistant, psychological intern or psychological trainee, unless he or she has been issued a registration;*

6. Practices psychology unless he or she has been issued a license ~~or~~;

7. *Practices as a psychological assistant, psychological intern or psychological trainee unless he or she has been issued a registration,*

↪ is guilty of a gross misdemeanor.

Sec. 24. 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. 25. NRS 641.271 is hereby repealed.

Sec. 26. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

641.271 Investigation of complaint by Attorney General upon retention by Board; recommendation to Board; action by Board; authority of Attorney General to charge Board for services.

1. If the Board retains the Attorney General pursuant to NRS 641.270, the Attorney General shall conduct an investigation of a complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

- (a) Dismiss the complaint; or
- (b) Proceed with appropriate disciplinary action.

3. If the Board retains the Attorney General pursuant to NRS 641.270, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 1.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 450.

SUMMARY—Makes changes to provide assistance to homeless youth to access opportunities for post-secondary education. (BDR ~~18-1089~~) **34-1089**

AN ACT relating to education; creating the position of the Liaison for Post-Secondary Education for Homeless Pupils; establishing the duties of the Liaison; authorizing the Board of Regents of the University of Nevada to grant certain waivers of fees for certain pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides for the continued secondary education of homeless pupils. (The McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.) **Sections ~~2-9~~ 11.1-11.8** of this bill create the Liaison

for Post-Secondary Education for Homeless Pupils within the ~~[Department of Employment, Training and Rehabilitation]~~ **Nevada System of Higher Education** to assist homeless and unaccompanied pupils in pursuing post-secondary education. Sections ~~[6]~~ **11.5** and ~~[12]~~ **11.8** of this bill create the position of the Liaison and authorize the Liaison to take certain actions to fulfill his or her duties ~~[]~~ **to the extent that money is available.** Section ~~[8]~~ **11.7** of this bill creates the Account for the Liaison for Post-Secondary Education for Homeless Pupils. Section ~~[9]~~ **11.8** of this bill establishes the duties of the Liaison.

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of registration and laboratory fees for certain pupils. (NRS 396.544, 396.5442, 396.5445) Section ~~[11]~~ **11.9** of this bill similarly authorizes the Board of Regents to grant a waiver of registration and laboratory fees for homeless and unaccompanied pupils.

~~[Section 10 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 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.]~~ **(Deleted by amendment.)**

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.]~~ **(Deleted by amendment.)**

Sec. 3. ~~["Homeless pupil" has the meaning ascribed to it in 45 C.F.R. § 1355.20.]~~ **(Deleted by amendment.)**

Sec. 4. ~~["Liaison" means the Liaison for Post Secondary Education for Homeless Pupils.]~~ **(Deleted by amendment.)**

Sec. 5. ~~["Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. There is hereby created the Liaison for Post Secondary Education for Homeless Pupils within the Department of Employment, Training and Rehabilitation.~~

~~2. The Governor shall appoint the Liaison for Post Secondary Education for Homeless Pupils for a term of 4 years. The Liaison is in the unclassified service of the State. The person appointed:~~

~~(a) Must be knowledgeable in the various issues relating to homeless and unaccompanied pupils, including, without limitation, the McKinney Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.,~~

~~(b) Must be independent of and have no pecuniary interest in any organization or entity that provides services to homeless and unaccompanied pupils;~~

~~—(c) Except as otherwise provided in NRS 284.143, shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit; and~~

~~—(d) Must not be a member of any political convention or a member of any committee of any political party.~~

~~3. The Governor may remove the Liaison from office for inefficiency, neglect of duty or malfeasance in office. (Deleted by amendment.)~~

Sec. 7. ~~{The Liaison may:~~

~~1. Employ such staff as is necessary to carry out his or her duties and the functions of his or her office, in accordance with the personnel practices and procedures established within the Department. The Liaison has sole discretion to employ and remove any member of his or her staff.~~

~~2. Purchase necessary equipment.~~

~~3. Lease or make other suitable arrangements for office space, but any lease which extends beyond the term of 1 year must be reviewed and approved by a majority of the members of the State Board of Examiners.~~

~~4. Perform such other functions and make such other arrangements as may be necessary to carry out his or her duties and the functions of his or her office. (Deleted by amendment.)~~

Sec. 8. ~~{1. The Liaison may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 2 to 9, inclusive, of this act.~~

~~2. All gifts, grants and donations from any source which the Liaison is authorized to accept must be deposited with the State Treasurer for credit to the Account for the Liaison for Post-Secondary Education for Homeless Pupils, which is hereby created in the State General Fund. The Liaison shall administer the Account. The money in the Account must be expended only to pay for the costs to the Department to administer sections 2 to 9, inclusive, of this act.~~

~~3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year. (Deleted by amendment.)~~

Sec. 9. ~~{1. The Liaison shall:~~

~~(a) Conduct an annual analysis of homeless and unaccompanied pupils in this State to assess the needs of such pupils;~~

~~(b) Develop a database to track, monitor and analyze trends in the rates of graduation and retention of homeless and unaccompanied pupils;~~

~~(c) Develop a model for college and career readiness for homeless and unaccompanied pupils;~~

~~(d) Collaborate with persons at a high school responsible for assisting homeless and unaccompanied pupils;~~

~~(e) Collaborate with high schools to identify homeless and unaccompanied pupils to refer such pupils to appropriate support services~~

~~after the admission of such pupils to an institution of higher education within this State;~~

~~(f) Establish connections between and collaborate with financial aid offices, student support services and campus housing services of institutions of higher education within this State;~~

~~(g) Identify and refer homeless and unaccompanied pupils to mentoring programs;~~

~~(h) Increase awareness among teachers, instructors, professors and other staff members of institutions of higher education who work with pupils on issues relating to homeless and unaccompanied pupils, including, without limitation, identifying such pupils and referring such pupils to appropriate resources;~~

~~(i) Establish and maintain a database of food banks, clothing banks and low cost health care providers, to be provided, without limitation, to financial aid offices and student support services of institutions of higher education within this State;~~

~~(j) Identify and coordinate with food banks and clothing banks or establish one or more food banks or clothing banks on a campus of an institution of higher education within this State to provide services to homeless and unaccompanied pupils;~~

~~(k) Establish a plan for housing homeless and unaccompanied pupils when campus housing is not available, including, without limitation, establishing a list of host homes in the local community and keeping one or more campus housing buildings open; and~~

~~(l) Apply for and accept grants awarded through the College Cost Reduction and Access Act of 2007, Public Law 110-84.~~

~~2. As used in this section, "institution of higher education" has the meaning ascribed to it in NRS 385.102.] (Deleted by amendment.)~~

Sec. 10. [NRS 232.900 is hereby amended to read as follows:

~~232.900 As used in NRS 232.900 to 232.960, inclusive, and sections 2 to 9, inclusive, of this act, unless the context otherwise requires:~~

~~1. "Department" means the Department of Employment, Training and Rehabilitation.~~

~~2. "Director" means the Director of the Department.] (Deleted by amendment.)~~

Sec. 11. Chapter 396 of NRS is hereby amended by adding ~~thereto a new section to read as follows:~~ the provisions set forth as sections 11.1 to 11.9, inclusive, of this act.

Sec. 11.1. As used in sections 11.1 to 11.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11.2, 11.3 and 11.4 of this act have the meanings ascribed to them in those sections.

Sec. 11.2. "Homeless pupil" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

Sec. 11.3. "Liaison" means the Liaison for Post-Secondary Education for Homeless Pupils.

Sec. 11.4. "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 11.5. 1. There is hereby created the Liaison for Post-Secondary Education for Homeless Pupils within the System.

2. The Governor shall, to the extent that money is available for that purpose, appoint the Liaison for Post-Secondary Education for Homeless Pupils for a term of 4 years. The Liaison is in the unclassified service of the State. The person appointed:

(a) Must be knowledgeable in the various issues relating to homeless and unaccompanied pupils, including, without limitation, the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.;

(b) Must be independent of and have no pecuniary interest in any organization or entity that provides services to homeless and unaccompanied pupils;

(c) Except as otherwise provided in NRS 284.143, shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit; and

(d) Must not be a member of any political convention or a member of any committee of any political party.

3. The Governor may remove the Liaison from office for inefficiency, neglect of duty or malfeasance in office.

Sec. 11.6. To the extent that money is available, the Liaison may:

1. Employ such staff as is necessary to carry out his or her duties and the functions of his or her office, in accordance with the personnel practices and procedures established within the System. The Liaison has sole discretion to employ and remove any member of his or her staff.

2. Purchase necessary equipment.

3. Lease or make other suitable arrangements for office space, but any lease which extends beyond the term of 1 year must be reviewed and approved by a majority of the members of the State Board of Examiners.

4. Perform such other functions and make such other arrangements as may be necessary to carry out his or her duties and the functions of his or her office.

Sec. 11.7. 1. The Board of Regents may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 11.1 to 11.8, inclusive, of this act.

2. All gifts, grants and donations from any source which the Board of Regents is authorized to accept must be deposited with the State Treasurer for credit to the Account for the Liaison for Post-Secondary Education for Homeless Pupils, which is hereby created in the State General Fund. The Board of Regents shall administer the Account. The money in the Account must be expended only to pay the costs of administering sections 11.1 to 11.8, inclusive, of this act.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 11.8. 1. To the extent that money is available, the Liaison shall:

(a) Conduct an annual analysis of homeless and unaccompanied pupils in this State to assess the needs of such pupils;

(b) Develop a database to track, monitor and analyze trends in the rates of graduation and retention of homeless and unaccompanied pupils;

(c) Develop a model for college and career readiness for homeless and unaccompanied pupils;

(d) Collaborate with persons at a high school responsible for assisting homeless and unaccompanied pupils;

(e) Collaborate with high schools to identify homeless and unaccompanied pupils to refer such pupils to appropriate support services after the admission of such pupils to an institution of higher education within this State;

(f) Establish connections between and collaborate with financial aid offices, student support services and campus housing services of institutions of higher education within this State;

(g) Identify and refer homeless and unaccompanied pupils to mentoring programs;

(h) Increase awareness among teachers, instructors, professors and other staff members of institutions of higher education who work with pupils on issues relating to homeless and unaccompanied pupils, including, without limitation, identifying such pupils and referring such pupils to appropriate resources;

(i) Establish and maintain a database of food banks, clothing banks and low-cost health care providers, to be provided, without limitation, to financial aid offices and student support services of institutions of higher education within this State;

(j) Identify and coordinate with food banks and clothing banks or establish one or more food banks or clothing banks on a campus of an institution of higher education within this State to provide services to homeless and unaccompanied pupils;

(k) Establish a plan for housing homeless and unaccompanied pupils when campus housing is not available, including, without limitation, establishing a list of host homes in the local community and keeping one or more campus housing buildings open; and

(l) Apply for and accept grants awarded through the College Cost Reduction and Access Act of 2007, Public Law 110-84.

2. As used in this section, “institution of higher education” has the meaning ascribed to it in NRS 385.102.

Sec. 11.9. 1. The Board of Regents may grant a waiver of registration fees and laboratory fees for a person who is identified as a homeless or unaccompanied pupil. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.

2. A person is eligible for a waiver pursuant to subsection 1 if the person maintains at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

3. A person may use a waiver granted pursuant to ~~this section~~ subsection 1 for 10 years after the person attains the age of 18 years or, if the person enrolls in the System before the age of 18 years, for 10 years after the date of such enrollment.

4. The Board of Regents may request documentation from a person requesting a waiver pursuant to subsection 1 as it deems necessary to verify that such a person was a homeless or unaccompanied pupil.

5. As used in this section:

(a) "Homeless pupil" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 12. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 587.

AN ACT relating to health care; limiting the amount a provider of health care may charge a person who has health insurance for certain medically necessary emergency services provided when the provider is out-of-network; requiring ~~at a health care facility to~~ **an insurer to arrange for the** transfer of a person who has health insurance to ~~another~~ **an in-network** facility under certain circumstances; prescribing procedures for determining the amount that an insurer is required to pay a provider of health care which is out-of-network for certain medically necessary emergency services provided to an insured; **requiring the reporting of certain information related to that process;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a hospital is required to provide emergency services and care and to admit certain patients where appropriate, regardless of the financial

status of the patient. (NRS 439B.410) Existing law also requires certain major hospitals to reduce total billed charges by at least 30 percent for hospital services provided to certain patients who have no insurance or other contractual provision for the payment of the charges by a third party, which is an insurer. (NRS 439B.260) **Section 7** of this bill defines the term “out-of-network provider” to mean, for a particular person covered by a policy of health insurance, a provider of health care ~~[, hospital or independent center for emergency medical care]~~ **or medical facility** that has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance ~~[which provides coverage to the patient and which is]~~ issued by that third party. **Section 11 of this bill exempts services provided to recipients of Medicaid from the provisions of this bill. Section 14 of this bill prohibits an out-of-network provider from ~~charging~~ collecting from a person covered by a policy of health insurance an amount for medically necessary emergency services that exceeds the copayment, coinsurance or deductible required by that policy. Section 14 also requires an out-of-network ~~facility~~ hospital or independent center for emergency medical care that provides medically necessary emergency services to a covered person to ~~[(1)]~~ notify the third party that provides coverage for the person that :** **(1)** the person is receiving such services at the facility; and **(2)** ~~[transfer the covered person to an in-network facility not later than 24 hours after]~~ **not later than 24 hours after such stabilization occurs. Section 14 requires the third party to arrange for such a transfer to an in-network hospital or independent center for emergency medical care not later than 24 hours after receiving such notice.**

If an out-of-network ~~[provider]~~ **hospital or independent center for emergency medical care** had a contract as an in-network ~~[provider]~~ **hospital or independent center for emergency medical care** with the third party that provides coverage for the covered person within the 24 months immediately preceding the provision of medically necessary emergency services to a covered person, **section 15** of this bill requires the third party to pay, and the ~~[provider]~~ **hospital or independent center for emergency medical care** to accept, as compensation for those services an amount based on the amount that would have been paid for those services under the most recent contract between the third party and the ~~[provider]~~ **hospital or independent center for emergency medical care.** If an out-of-network ~~[provider]~~ **hospital or independent center for emergency medical care** did not have a contract as with the third party that provides coverage for the covered person as an in-network ~~[provider]~~ **hospital or independent center for emergency medical care** during that time, **section 15** requires the third party to make ~~[a final]~~ **an** offer of payment **in full** to the provider for the medically necessary emergency services. **Section 16 of this bill has similar provisions applicable to out-of-network providers, other than hospitals and independent centers for emergency medical care. Specifically, if an out-of-network provider had a**

contract as an in-network provider with the third party that provides coverage for the covered person within the 12 months immediately preceding the provision of medically necessary emergency services to a covered person that was not terminated by the third party for cause, section 16 of this bill requires the third party to pay, and the provider to accept, as compensation for those services an amount based on the amount that would have been paid for those services under the most recent contract between the third party and the provider. If an out-of-network provider did not have a contract with the third party that provides coverage for the covered person as an in-network provider during that time or if such a contract was terminated by the third party for cause, section 16 requires the third party to make an offer of payment in full to the provider for the medically necessary emergency services.

If the provider does not accept ~~the~~ an offer ~~it~~ made pursuant to section 15 or 16, section 17 of this bill requires the out-of-network provider to make a counter-offer in an amount the out-of-network provider is willing to accept as payment in full and, if not accepted, the parties are required to submit the dispute to binding arbitration. Section 13 of this bill exempts a critical access hospital and a person covered by a policy of insurance sold outside this State from the provisions of this bill. Section 17 provides that interest does not accrue on a claim during the arbitration process, and sections 21-27 of this bill make conforming changes. Section 18 of this bill authorizes certain health insurers not included in this bill to opt in to the provisions of the bill. Section 19 of this bill provides for the annual reporting of certain information concerning arbitration conducted pursuant to section 17. Sections 17, 19 and 20 of this bill provide for the confidentiality of the decisions of arbitrators and documents associated with arbitration.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~15,~~ **19**, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~15,~~ 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Covered person” means a ~~patient who has health insurance coverage issued~~ policyholder, subscriber, enrollee or other person covered by a third party.*

Sec. 4. *“Independent center for emergency medical care” has the meaning ascribed to it in NRS 449.013.*

Sec. 4.5. *“In-network emergency facility” means a hospital or independent center for emergency medical care that is an in-network provider.*

Sec. 5. “In-network provider” means, for a particular covered person, a provider of health care ~~[hospital or independent center for emergency medical care]~~ that has entered into a provider contract with a third party for the provision of health care to ~~[persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.]~~ the covered person.

Sec. 6. “Medically necessary emergency services” ~~[means health care services that are provided by a provider of health care to screen and to stabilize a covered person after the sudden onset of a medical condition that manifests itself by symptoms of such sufficient severity that a prudent layperson would believe that the absence of immediate medical attention could result in:~~

- ~~1. Serious jeopardy to the health of the covered person;~~
- ~~2. Serious jeopardy to the health of an unborn child of the covered person;~~
- ~~3. Serious impairment of a bodily function of the covered person; or~~
- ~~4. Serious dysfunction of any bodily organ or part of the covered person.]~~ has the meaning ascribed to it in subsection 3 of NRS 695G.170.

Sec. 6.5. “Out-of-network emergency facility” means a hospital or independent center for emergency medical care that is an out-of-network provider.

Sec. 7. “Out-of-network provider” means, for a particular covered person, a provider of health care ~~[hospital or independent center for emergency medical care]~~ that has not entered into a provider contract with a third party for the provision of health care to ~~[persons who are covered by a policy of insurance which provides coverage to the patient and which is issued by that third party.]~~ the covered person.

Sec. 7.5. “Provider contract” means a contract between a third party and a provider of health care to provide health care services to a covered person. The term does not include an agreement that provides for a discount based on timing of payment.

Sec. 8. “Provider of health care” has the meaning ascribed to it in NRS ~~[629.031.]~~ 695G.070.

Sec. 9. ~~“Prudent layperson” means a person who:~~

- ~~1. Is not a provider of health care;~~
- ~~2. Possesses an average knowledge of health and medicine; and~~
- ~~3. Is acting reasonably under the circumstances.]~~ (Deleted by amendment.)

Sec. 10. “Screen” means to conduct the medical screening examination required to be provided to a patient in the emergency department of a hospital pursuant to 42 U.S.C. § 1395dd.

Sec. 11. 1. “Third party” includes, without limitation:

- ~~1. An insurer, as defined in NRS 679B.540;~~
- ~~2. A]~~

~~(a) The issuer of a health benefit plan, as defined in NRS ~~689A.540, for employees~~ 695G.019, which provides coverage for medically necessary emergency services;~~

~~3. A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of such officers and employees, pursuant to chapter 287 of NRS;~~

~~4. (b) The Public Employees' Benefits Program established pursuant to subsection 1 of NRS 287.043; and~~

~~5. (c) Any other [insurer or] organization [providing health coverage or benefits in accordance with state or federal law.] that elects pursuant to section 18 of this act for the provisions of sections 2 to 19, inclusive, of this act to apply to the provision of medically necessary emergency services by out-of-network providers to covered persons.~~

2. The term does not include the State Plan for Medicaid, the Children's Health Insurance Program or a health maintenance organization, as defined in NRS 695C.030, or managed care organization, as defined in NRS 695G.050, when providing health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department.

Sec. 12. "To stabilize" and "stabilized" have the meanings ascribed to them in 42 U.S.C. § 1395dd(e)(3).

Sec. 13. The provisions of sections 14 and 15 of this act do not apply to:

1. A hospital which has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e) or any medically necessary emergency services provided at such a hospital;

2. A person who is covered by a policy of health insurance that was sold outside this State; or

3. Any health care services provided more than 24 hours after notification is provided pursuant to section 14 of this act that a person has been stabilized.

Sec. 14. 1. An out-of-network provider shall not ~~charge~~ collect from a covered person for medically necessary emergency services, and a covered person is not responsible for paying, an amount that exceeds the copayment, coinsurance or deductible required for ~~the~~ such services provided by an in-network provider by the coverage for that person.

2. An out-of-network emergency facility that provides medically necessary emergency services to a covered person shall:

(a) When possible, notify the third party that provides coverage for the covered person not later than ~~3~~ 8 hours after ~~admitting the covered person that~~ the covered person ~~is receiving medically necessary emergency~~

~~services}~~ presents at the out-of-network emergency facility ~~to~~ to receive medically necessary emergency services; and

(b) ~~[Transfer]~~ Notify the third party that the condition of the covered person has stabilized to such a degree that the person may be transferred to an in-network emergency facility not later than 24 hours after the person's emergency medical condition is stabilized.

~~3. As used in this section:~~

~~(a) "In-network facility" means, for a particular covered person, a hospital or independent center for emergency medical care that has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.~~

~~(b) "Out-of-network facility" means, for a particular covered person, a hospital or independent center for emergency medical care that has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.~~ Not later than 24 hours after the third party receives such notice, the third party shall arrange for the transfer of the person to such a facility.

Sec. 15. 1. If an out-of-network ~~provider}~~ emergency facility had a provider contract as an in-network ~~provider}~~ emergency facility within the 24 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person, the third party that provides coverage for the covered person shall pay to the out-of-network ~~provider}~~ emergency facility for those services, and the out-of-network ~~provider}~~ emergency facility shall accept as payment in full for those services ~~to~~, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network emergency facility:

(a) If the out-of-network ~~provider}~~ emergency facility was an in-network ~~provider}~~ emergency facility within the 12 months immediately preceding the provision of medically necessary emergency services, 108 percent of the amount that would have been paid for those services pursuant to the most recent applicable provider contract between the third party and the out-of-network ~~provider}~~ emergency facility, less the amount of the copayment, coinsurance or deductible, if applicable.

(b) If the out-of-network ~~provider}~~ emergency facility was an in-network ~~provider}~~ emergency facility within the 24 months immediately preceding the provision of medically necessary emergency services, but not within the 12 months immediately preceding the provision of those services, 115 percent of the amount that would have been paid for those services pursuant to the most recent applicable provider contract between the third party and

the out-of-network ~~provider~~ emergency facility, less the amount of the copayment, coinsurance or deductible, if applicable.

~~2. If an out-of-network ~~provider~~ emergency facility did not have a provider contract as an in-network ~~provider~~ emergency facility within the 24 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person, the third party that provides coverage to the covered person shall submit to the out-of-network ~~provider~~ emergency facility an offer of payment in full for the medically necessary emergency services ~~]. The out of network provider shall accept or reject the offer of payment within 30 days after receiving the offer. If the offer is accepted, the third party must pay the claim within 30 days after the acceptance.~~~~

~~3. An offer made by a third party pursuant to subsection 2 as payment in full for medically necessary emergency services must include a statement of the provisions of subsections 4 to 7, inclusive.~~

~~4. If an out of network provider rejects the amount offered as payment in full by the third party to compensate the out of network provider for the medically necessary emergency services, the out of network provider must submit to the third party a counter offer in an amount which the out of network provider is willing to accept as payment in full for the medically necessary emergency services.~~

~~5. If the third party rejects the counter offer submitted by the out of network provider pursuant to subsection 4 or fails to accept such a counter offer within 30 days after receiving the counter offer, the out of network provider must request a list of five randomly selected arbitrators from the voluntary program for the use of binding arbitration established in the judicial district pursuant to NRS 38.255 or, if no such program has been established in the judicial district, from the program established in the nearest judicial district that has established such a program.~~

~~6. Upon receiving the list of randomly selected arbitrators pursuant to subsection 5, the out of network provider and the third party shall each strike two arbitrators from the list. If one arbitrator remains, that arbitrator must arbitrate the dispute concerning the amount to be paid for the medically necessary emergency services. If more than one arbitrator remains, an arbitrator randomly selected from the remaining arbitrators by the voluntary program for the use of binding arbitration that provided the list of arbitrators pursuant to subsection 5 must arbitrate that dispute.~~

~~7. The out of network provider and the third party shall participate in binding arbitration of the dispute concerning the amount to be paid for the medically necessary emergency services conducted by the arbitrator selected pursuant to subsection 6. The arbitrator shall require the third party to pay the out of network provider, and the out of network provider to accept as payment in full for the provision of the medically necessary emergency services.~~

~~(a) The amount offered by the third party pursuant to subsection 2; or~~

~~(b) The amount counter offered by the out of network provider pursuant to subsection 4.~~

~~8. If the arbitrator requires:~~

~~(a) The out of network provider to accept as payment in full for the medically necessary emergency services the offer made by the third party pursuant to subsection 2, the out of network provider must pay the costs of the arbitration.~~

~~(b) The third party to pay to the out of network provider as payment in full for the medically necessary emergency services the amount counter offered by the out of network provider pursuant to subsection 4, the third party must pay the costs of the arbitration.~~

~~9. A third party that provides coverage for emergency medical services pursuant to Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq., may elect for the provisions of this section to apply to the provision of medically necessary emergency services by out of network providers to covered persons. The Commissioner shall:~~

~~(a) Publish on an Internet website maintained by the Commissioner a list of third parties that have made such an election; and~~

~~(b) Adopt regulations governing such an election, which may include, without limitation, regulations that establish the procedure by which a third party may make such an election.], except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network emergency facility.~~

Sec. 16. 1. If an out-of-network provider, other than an out-of-network emergency facility, had a provider contract as an in-network provider within the 12 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person and:

(a) The out-of-network provider terminated the most recent applicable provider contract between the third party that provides coverage for the covered person and the out-of-network provider without cause before it was scheduled to expire, the third party shall pay to the out-of-network provider for those services, and the out-of-network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the amount that would have been paid for those services pursuant to that provider contract, less the amount of the copayment, coinsurance or deductible, if applicable.

(b) The out-of-network provider terminated the most recent applicable provider contract between the third party that provides coverage for the covered person and the out-of-network provider for cause before it was scheduled to expire or the third party terminated the contract without cause, the third party shall pay to the out-of-network provider for those services, and the out-of-network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the

coverage requires the covered person to pay for the services when provided by an in-network provider, 108 percent of the amount that would have been paid for those services pursuant to the provider contract, less the amount of the copayment, coinsurance or deductible, if applicable.

(c) The third party that provides coverage for the covered person terminated the most recent applicable provider contract between the third party and the out-of-network provider for cause before it was scheduled to expire, the third party shall submit to the out-of-network provider an offer of payment in full for the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider.

(d) The contract was not terminated by either party, the third party that provides coverage for the covered person shall pay to the out-of-network provider for those services, and the out-of-network provider shall accept as payment in full for those services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider, the amount that would have been paid for those services pursuant to the most recent applicable provider contract between the third party and the out-of-network provider plus an amount equal to the percentage of increase in the Consumer Price Index, Medical Care Component, during the immediately preceding calendar year, less the amount of the copayment, coinsurance or deductible, if applicable.

2. If an out-of-network provider, other than an out-of-network emergency facility, did not have a provider contract as an in-network provider within the 12 months immediately preceding the date on which the medically necessary emergency services were rendered to a covered person, the third party that provides coverage to the covered person shall submit to the out-of-network provider an offer of payment in full for the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider.

Sec. 17. 1. An out-of-network provider shall accept or reject an offer of payment made pursuant to subsection 2 of section 15 of this act or paragraph (c) of subsection 1 or subsection 2 of section 16 of this act within 30 days after receiving the offer. If the offer is accepted, the third party must pay the claim within 30 days after the acceptance. If an out-of-network provider fails to comply with the requirements of this section, the offer shall be deemed accepted 30 days after the out-of-network provider received the offer.

2. If an out-of-network provider rejects the offer of payment, the out-of-network provider must make a counter-offer in an amount which the out-of-network provider is willing to accept as payment in full for the medically necessary emergency services, except for any copayment, coinsurance or

deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider.

3. If the third party rejects the counter-offer submitted by the out-of-network provider pursuant to subsection 2 or fails to accept such a counter-offer within 30 days after receiving the counter-offer, the out-of-network provider must request a list of five randomly selected arbitrators from an entity authorized by regulations of the Director of the Department to provide such arbitrators. Such regulations must require:

(a) For claims of less than \$5,000 in value, the use of arbitrators who will conduct the arbitration in an economically efficient manner. Such arbitrators may include, without limitation, qualified employees of the State and arbitrators from the voluntary program for the use of binding arbitration established in the judicial district pursuant to NRS 38.255 or, if no such program has been established in the judicial district, from the program established in the nearest judicial district that has established such a program.

(b) For claims of \$5,000 or more in value, the use of arbitrators from nationally recognized providers of arbitration services, which may include, without limitation, the American Arbitration Association, JAMS or their successor organizations.

4. Upon receiving the list of randomly selected arbitrators pursuant to subsection 3, the out-of-network provider and the third party shall each strike two arbitrators from the list. If one arbitrator remains, that arbitrator must arbitrate the dispute concerning the amount to be paid for the medically necessary emergency services. If more than one arbitrator remains, an arbitrator randomly selected from the remaining arbitrators by the entity that provided the list of arbitrators pursuant to subsection 3 must arbitrate that dispute.

5. The out-of-network provider and the third party shall participate in binding arbitration of the dispute concerning the amount to be paid for the medically necessary emergency services conducted by the arbitrator selected pursuant to subsection 4. The out-of-network provider or third party may provide the arbitrator with any relevant information to assist the arbitrator in making a determination.

6. The arbitrator shall require the third party to pay the out-of-network provider, and the out-of-network provider to accept as payment in full for the provision of the medically necessary emergency services, except for any copayment, coinsurance or deductible that the coverage requires the covered person to pay for the services when provided by an in-network provider:

(a) The amount offered by the third party pursuant to subsection 2 of section 15 of this act or paragraph (c) of subsection 1 or subsection 2 of section 16 of this act, as applicable; or

(b) The amount counter-offered by the out-of-network provider pursuant to subsection 2.

7. If the arbitrator requires:

(a) The out-of-network provider to accept the offer made by the third party pursuant to subsection 2 of section 15 of this act or paragraph (c) of subsection 1 or subsection 2 of section 16 of this act, as applicable, the out-of-network provider must pay the costs of the arbitrator.

(b) The third party to pay the amount counter-offered by the out-of-network provider pursuant to subsection 2, the third party must pay the costs of the arbitrator.

8. An out-of-network provider or a third party must pay any attorney's fees incurred by the out-of-network provider or third party, as applicable, during the process prescribed by this section.

9. Interest does not accrue on any claim for which an offer of payment is rejected pursuant to subsection 1 for the period beginning on the date of the rejection and ending 30 days after the arbitrator renders a decision.

10. Except as otherwise provided in this subsection and section 19 of this act, any decision of an arbitrator pursuant to this section and any documents associated with such a decision are confidential and are not admissible as evidence during a legal proceeding, including, without limitation, a legal proceeding between the third party and the out-of-network provider. The decision of an arbitrator and any documents associated with such a decision may be disclosed and are admissible as evidence during a legal proceeding to enforce the decision.

Sec. 18. Any organization, not otherwise subject to the provisions of sections 2 to 19, inclusive, of this act, that provides coverage for emergency medical services may elect for the provisions of sections 2 to 19, inclusive, of this act to apply to the provision of medically necessary emergency services by out-of-network providers to covered persons. The Director of the Department of Health and Human Services shall:

1. Publish on an Internet website maintained by the Department a list of third parties that have made such an election; and

2. Adopt regulations governing such an election, which may include, without limitation, regulations that establish the procedure by which a third party may make such an election.

Sec. 19. 1. On or before December 31 of each year, an arbitrator who arbitrated a matter pursuant to section 17 of this act during the immediately preceding 12 months shall report to the Department of Health and Human Services in the form prescribed by the Department:

(a) The number of cases arbitrated by the arbitrator;

(b) The types of providers of health care and third parties involved in those cases;

(c) The prevailing party in each such arbitration;

(d) Information concerning the geographic location of the provider of health care that provided medically necessary emergency services; and

(e) Any other information requested by the Department.

2. A provider of health care or third party shall provide to the Department any information requested by the Department to complete the report required by subsection 3.

3. On or before January 31 of each year, the Department shall:

(a) Compile a report which must include, without limitation:

(1) Aggregated information provided to the Department pursuant to subsections 1 and 2, presented in a manner that does not reveal the identity of any provider of health care, third party or patient;

(2) An analysis of any identifiable trends in the information described in subparagraph (1); and

(3) An analysis of the impact of actions taken pursuant to sections 2 to 19, inclusive, of this act on provider contracts and the provision of health care in this State;

(b) Post the report on an Internet website maintained by the Department; and

(c) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

4. Any information disclosed to the Department pursuant to this section is confidential.

Sec. 20. 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 sections 17 and 19 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. 21. NRS 683A.0879 is hereby amended to read as follows:

683A.0879 1. Except as otherwise provided in subsection 2, ~~and~~ **section 17 of this act**, an administrator shall approve or deny a claim relating to health insurance coverage within 30 days after the administrator receives the claim. If the claim is approved, the administrator shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the administrator shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the administrator requires additional information to determine whether to approve or deny the claim, the administrator shall notify the claimant of the administrator's request for the additional information within 20 days after receiving the claim. The administrator shall notify the provider

of health care of all the specific reasons for the delay in approving or denying the claim. The administrator shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the administrator shall pay the claim within 30 days after receiving the additional information. If the approved claim is not paid within that period, the administrator shall pay interest on the claim in the manner prescribed in subsection 1.

3. An administrator shall not request a claimant to resubmit information that the claimant has already provided to the administrator, unless the administrator provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. An administrator shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the administrator.

7. The Commissioner may require an administrator to provide evidence which demonstrates that the administrator has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that an administrator is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the administrator to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an administrator is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of registration of the administrator.

Sec. 22. NRS 689A.410 is hereby amended to read as follows:

689A.410 1. Except as otherwise provided in subsection 2, ~~and~~ **section 17 of this act,** an insurer shall approve or deny a claim relating to a policy of health insurance within 30 days after the insurer receives the claim. If the claim is approved, the insurer shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the insurer shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the

additional information within 20 days after it receives the claim. The insurer shall notify the provider of health care of all the specific reasons for the delay in approving or denying the claim. The insurer shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the insurer shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.

3. An insurer shall not request a claimant to resubmit information that the claimant has already provided to the insurer, unless the insurer provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. An insurer shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.

7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that an insurer is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the insurer to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the insurer.

Sec. 23. NRS 689B.255 is hereby amended to read as follows:

689B.255 1. Except as otherwise provided in subsection 2, ~~and~~ **and section 17 of this act,** an insurer shall approve or deny a claim relating to a policy of group health insurance or blanket insurance within 30 days after the insurer receives the claim. If the claim is approved, the insurer shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the insurer shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the

additional information within 20 days after it receives the claim. The insurer shall notify the provider of health care of all the specific reasons for the delay in approving or denying the claim. The insurer shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the insurer shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.

3. An insurer shall not request a claimant to resubmit information that the claimant has already provided to the insurer, unless the insurer provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. An insurer shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the insurer.

7. The Commissioner may require an insurer to provide evidence which demonstrates that the insurer has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that an insurer is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the insurer to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that an insurer is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the insurer.

Sec. 24. NRS 689C.485 is hereby amended to read as follows:

689C.485 1. Except as otherwise provided in subsection 2, ~~and~~ **and section 17 of this act**, a carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall approve or deny a claim relating to a policy of health insurance within 30 days after the carrier receives the claim. If the claim is approved, the carrier shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the carrier shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the carrier requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The carrier shall notify the provider of health care of all the specific reasons for the delay in approving or denying the claim. The carrier shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the carrier shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the carrier shall pay interest on the claim in the manner prescribed in subsection 1.

3. A carrier shall not request a claimant to resubmit information that the claimant has already provided to the carrier, unless the carrier provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A carrier shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the carrier.

7. The Commissioner may require a carrier to provide evidence which demonstrates that the carrier has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a carrier is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the carrier to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a carrier is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the carrier.

Sec. 25. NRS 695A.188 is hereby amended to read as follows:

695A.188 1. Except as otherwise provided in subsection 2_ ~~+~~ and section 17 of this act, a society shall approve or deny a claim relating to a certificate of health insurance within 30 days after the society receives the claim. If the claim is approved, the society shall pay the claim within 30 days after it is approved. If the approved claim is not paid within that period, the society shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040 unless a different rate of interest is established pursuant to an express written contract between the society and the provider of health care. The interest must be calculated from 30 days after the date on which the claim is approved until the claim is paid.

2. If the society requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the

additional information within 20 days after it receives the claim. The society shall notify the provider of health care of all the specific reasons for the delay in approving or denying the claim. The society shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the society shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the society shall pay interest on the claim in the manner prescribed in subsection 1.

3. A society shall not request a claimant to resubmit information that the claimant has already provided to the society, unless the society provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A society shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

Sec. 26. NRS 695B.2505 is hereby amended to read as follows:

695B.2505 1. Except as otherwise provided in subsection 2 ~~[1]~~ ***and section 17 of this act,*** a corporation subject to the provisions of this chapter shall approve or deny a claim relating to a contract for dental, hospital or medical services within 30 days after the corporation receives the claim. If the claim is approved, the corporation shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the corporation shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the corporation requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The corporation shall notify the provider of dental, hospital or medical services of all the specific reasons for the delay in approving or denying the claim. The corporation shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the corporation shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the corporation shall pay interest on the claim in the manner prescribed in subsection 1.

3. A corporation shall not request a claimant to resubmit information that the claimant has already provided to the corporation, unless the corporation provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A corporation shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the corporation.

7. The Commissioner may require a corporation to provide evidence which demonstrates that the corporation has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a corporation is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the corporation to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a corporation is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the corporation.

Sec. 27. NRS 695C.185 is hereby amended to read as follows:

695C.185 1. Except as otherwise provided in subsection 2, ~~and~~ **and section 17 of this act,** a health maintenance organization shall approve or deny a claim relating to a health care plan within 30 days after the health maintenance organization receives the claim. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it is approved. Except as otherwise provided in this section, if the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim at a rate of interest equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date on which the payment was due, plus 6 percent. The interest must be calculated from 30 days after the date on which the claim is approved until the date on which the claim is paid.

2. If the health maintenance organization requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The health maintenance organization shall notify the provider of health care services of all the specific reasons for the delay in approving or denying the claim. The health maintenance organization shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim in the manner prescribed in subsection 1.

3. A health maintenance organization shall not request a claimant to resubmit information that the claimant has already provided to the health maintenance organization, unless the health maintenance organization

provides a legitimate reason for the request and the purpose of the request is not to delay the payment of the claim, harass the claimant or discourage the filing of claims.

4. A health maintenance organization shall not pay only part of a claim that has been approved and is fully payable.

5. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this section.

6. The payment of interest provided for in this section for the late payment of an approved claim may be waived only if the payment was delayed because of an act of God or another cause beyond the control of the health maintenance organization.

7. The Commissioner may require a health maintenance organization to provide evidence which demonstrates that the health maintenance organization has substantially complied with the requirements set forth in this section, including, without limitation, payment within 30 days of at least 95 percent of approved claims or at least 90 percent of the total dollar amount for approved claims.

8. If the Commissioner determines that a health maintenance organization is not in substantial compliance with the requirements set forth in this section, the Commissioner may require the health maintenance organization to pay an administrative fine in an amount to be determined by the Commissioner. Upon a second or subsequent determination that a health maintenance organization is not in substantial compliance with the requirements set forth in this section, the Commissioner may suspend or revoke the certificate of authority of the health maintenance organization.

Sec. 28. 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. 29. 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.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 241.

AN ACT relating to affordable housing; creating the Advisory Committee on Housing; prescribing the membership, powers and duties of the Advisory Committee; **authorizing the Advisory Committee to request the drafting**

of not more than 1 legislative measure for each regular session of the Legislature; creating the ~~{Special Committee on}~~ Private Activity ~~{Bonds;}~~ **Bond Council;** prescribing the membership, powers and duties of the ~~{Committee;}~~ **Council;** and providing other matters properly relating thereto.
Legislative Counsel’s Digest:

Under the law as it existed between 1987 and 2017, there existed in the Housing Division of the Department of Business and Industry an Advisory Committee on Housing with the power and duty to review and provide to the Director of the Department and the Administrator of the Division advice, recommendations and other commentary regarding certain matters relating to housing. (former NRS 319.173) The Advisory Committee was abolished in 2017. **Section 1** of this bill recreates the Advisory Committee ~~[- In addition to reestablishing the Advisory Committee’s former]~~ **and revises its membership,** powers and duties ~~. [-]~~ **Among other duties, section 1** ~~{authorizes}~~ **requires** the Advisory Committee to ~~{provide advice and recommendations}~~ **annually prepare and submit** to the ~~{Special Committee on}~~ Private Activity ~~{Bonds}~~ **Bond Council** created by **section 3** of this bill ~~{concerning needs and priorities for the allocation of private activity bond authority to finance affordable housing projects.}~~ **a report concerning housing that addresses, without limitation, community needs for housing in the State, housing trends and housing goals for this State.**

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 1.5 of this bill authorizes the Advisory Committee on Housing to request for each regular session of the Legislature the drafting of not more than one legislative measure which relates to matters within the scope of the Committee.

Under the Internal Revenue Code, states and local governments are allowed to finance certain projects that primarily benefit or are used by a private entity, but have some public benefit, through the issuance of bonds known as private activity bonds. If the bonds are issued for certain private activities specified in federal law, known as qualified private activities, the bondholders are not required to pay federal income taxes on the interest that the bondholders earn on the bonds. (26 U.S.C. §§ 103, 141) Examples of qualified private activities include multifamily rental projects, airports and student loans. (26 U.S.C. §§ 142-145, 1394) For some of those qualified private activities, federal law places an annual limit on the total dollar amount of tax-exempt private activity bonds that can be issued in each state, which is known as the “state ceiling.” In 2018, for example, Nevada’s state ceiling was roughly \$315 million. Each state is authorized to allocate its state ceiling among state and local governmental agencies and other authorized issuers. An allocation of the state ceiling to an issuer is known as the issuer’s “volume cap.” (26 U.S.C. § 146) Under existing law, the volume cap for State Government is 50 percent of the state ceiling for each calendar year, while the remaining 50 percent of the state

ceiling is allocated to local governments in proportion to the percentage that the population of the local government bears to the entire population of Nevada. Existing law also provides that an entity's volume cap for any calendar year may be augmented or diminished in accordance with regulations adopted by the Director of the Department of Business and Industry. (NRS 348A.020)

Under existing law, the Director of the Department of Business and Industry is responsible for regulating private activity bonds in this State. (NRS 348A.040) Existing regulations establish a committee to serve in an advisory capacity to the Director with respect to private activity bonds. (NAC 348A.280) **Section 3** creates in statute the ~~[Special Committee on]~~ Private Activity ~~[Bonds]~~ **Bond Council** and prescribes its membership. **Section 4** of this bill requires the ~~[Committee to approve or deny: (1) any proposal by the Director to allocate or reserve for a particular purpose a portion of the volume cap for private activity bonds established for the Director; (2) any proposal by the Director to issue or authorize the issuance of private activity bonds from the volume cap established for the Director; and (3) any action that has the effect of augmenting or diminishing any volume cap established for the Director or any local government.]~~ **Section 4** also requires the ~~[Committee to consider any matter concerning private activity bonds referred to it by the Director and authorizes the Committee]~~ **Council** to advise the Governor, the State Board of Finance or the Director on **the allocation of the state ceiling for the issuance of private activity bonds during any calendar year and on any other matter concerning private activity bonds, if requested.** Finally, **section 4** requires the ~~[Committee]~~ **Council** to ~~[consult with]~~ **receive and consider the annual report concerning housing submitted by** the Advisory Committee on Housing, created by **section 1 .** ~~[, not less than annually concerning the needs and any recommended priorities for the use of private activity bonds for the financing of affordable housing.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 319 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Advisory Committee on Housing ~~to~~ review and provide to the Director, the Administrator and the Special Committee on Private Activity Bonds created by section 3 of this act advice, recommendations and other commentary regarding:

- ~~—(a) The investment of money or issuance of obligations by the Division.~~
- ~~—(b) The development of new programs or the improvement of existing programs of the Division.~~
- ~~—(c) The improvement of policies and procedures of the Division, including those relating to the dissemination of relevant information to persons who participate in or are otherwise interested in programs of the Division.~~

~~(d) The administration of the Account for Low Income Housing created by NRS 319.500.~~

~~(e) Needs and priorities for the allocation of private activity bond authority to finance affordable housing projects.~~

~~(f) Any other matters referred to the Advisory Committee by the Director or Administrator.], consisting of 9 members as set forth in subsection 2.~~

2. The Advisory Committee consists of:

~~(a) [The Director or his or her representative;~~

~~(b)] One member who is a [member of the Senate] Legislator appointed by the [Majority Leader of the Senate;~~

~~(c) One member who is a member of the Assembly appointed by the Speaker of the Assembly;~~

~~(d) Eight] Legislative Commission;~~

~~(b) One member appointed by the Nevada Rural Housing Authority;~~

~~(c) One member appointed by the Southern Nevada Regional Housing Authority;~~

~~(d) One member appointed by the Reno Housing Authority; and~~

~~(e) Five members appointed by the Director [The Director shall appoint to the Advisory Committee.] as follows:~~

~~(1) One [representative of an association of mortgage companies in this State, selected from a list of names submitted to the Director by that association;~~

~~(2) One representative of persons engaged in residential construction in this State.~~

~~(3) One representative of banks, savings and loan associations or savings banks in this State who is knowledgeable about making mortgage loans.~~

~~(4) One member who is knowledgeable about the sale and marketing or the management of real property in this State.~~

~~(5) One member who is knowledgeable about the development or management of nonprofit housing in this State.~~

~~(6) One member who is knowledgeable about housing programs sponsored, administered or supported by local governments in this State.~~

~~(7) One member who is knowledgeable about federal housing programs administered by the Division.~~

~~(8) One member who is an advocate of affordable housing.] member who is representative of real estate brokers and real estate salespersons with experience in large-scale housing projects;~~

~~(2) One member who is representative of builders and developers of multifamily housing projects;~~

~~(3) One member who is knowledgeable in banking and the financing of housing projects;~~

~~(4) One member who represents a local community development agency or regional planning agency in southern Nevada; and~~

(5) One member who represents a local community development agency or regional planning agency in northern Nevada.

~~↪ The members of the Advisory Committee are not entitled to any additional compensation for their service in that capacity.~~

3. ~~[An appointed]~~ A member of the Advisory Committee serves a term of 2 years and until his or her successor is appointed. [An appointed] A member may be reappointed ~~f~~ for additional terms of 2 years in the same manner as the original appointment.

4. ~~A vacancy in the [appointed] membership of the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.~~

5. ~~The [Director or his or her representative shall serve as the Chair] members of the Advisory Committee ~~f~~ shall select a Chair from among their membership. The term of office of the Chair is 2 years. The Advisory Committee shall meet at least once each calendar quarter, and at the call of the Chair or upon the written request of the Administrator or a majority of the members of the Advisory Committee.~~

6. ~~[The Administrator shall submit annually to the Advisory Committee for its review, comment and recommendations a work plan for the activities of the Division for the succeeding calendar year. The work plan must include:~~

~~—(a) The expected needs for financing and anticipated demand for tax credits and sources of funding for each of the programs administered by the Division.~~

~~—(b) Strategies for meeting those needs and demands.~~

~~—(c) A plan for resolving any anticipated problems in carrying out those strategies.~~

~~—(d) A plan for the allocation of the resources of the Division, including the allotment of its employees' time, to carry out the work plan in such a manner as to serve the entire area of the State adequately.~~

~~—(e) Any other matters which are critical to the success of any programs administered by the Division.~~

~~7. Before the:~~

~~—(a) Investment of money of the Division pursuant to NRS 319.171; or~~

~~—(b) Submission of findings to the State Board of Finance pursuant to subsection 4 of NRS 319.323,~~

~~↪ the Administrator shall submit a plan of investment or a plan of financing, together with any proposed findings relating to that plan, to the Advisory Committee for its review and comment.~~

~~8. The Administrator shall report to the Advisory Committee at least once each calendar quarter on the activities of the Division and the implementation of the Division's work plan for that year.~~

~~9.]~~

The Division shall provide administrative support to the Advisory Committee.

7. The Advisory Committee shall:

(a) Review and comment on:

(1) The annual housing progress report compiled by the Division pursuant to NRS 278.235;

(2) The annual plan established by the Division for allocating tax credits for low-income housing pursuant to 26 U.S.C. § 42; and

(3) Any other matter or information submitted to it by the Division.

(b) Annually prepare and submit to the Private Activity Bond Council created by section 3 of this act, a report concerning housing that addresses, without limitation:

(1) Community needs for housing in the State;

(2) Housing trends; and

(3) Housing goals for this State.

8. As used in this section:

(a) “Director” means the Director of the Department of Business and Industry.

(b) “Private activity bond” has the meaning ascribed to it in NRS 348A.010.

Sec. 1.5. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the Advisory Committee on Housing created by section 1 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Committee. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 1.7. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, and section 1.5 of this act apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, and section 1.5 of this act for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, and section 1.5 of this act but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. Chapter 348A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. The ~~[Special Committee on]~~ Private Activity ~~[Bonds]~~ Bond Council is hereby created.

2. The ~~[Committee]~~ Council consists of ~~7~~

~~(a) Seven voting]~~ 7 members as follows:

~~[(1)]~~ (a) The Director, or his or her designee, who shall serve as Chair of the Committee;

~~[(2)]~~ (b) The Executive Director of the Office of Economic Development, or his or her designee;

~~[(3)]~~ One member of the general public appointed by the Governor;

~~[(4)]~~ (c) One member ~~]~~ who is ~~[not a Legislator,]~~ a member of the Senate appointed by the ~~[Majority Leader of the Senate,~~

~~[(5)]~~ Legislative Commission;

(d) One member ~~]~~ who is ~~[not a Legislator,]~~ a member of the Assembly appointed by the ~~[Speaker of the Assembly,~~

~~[(6)]~~ One member, who is not a Legislator, appointed by the Minority Leader of the Senate; and

~~[(7)]~~ One member, who is not a Legislator, appointed by the Minority Leader of the Assembly; and

~~[(b) Two nonvoting members as follows:~~

~~[(1)]~~ Legislative Commission;

(e) One member appointed by the Nevada League of Cities; ~~and]~~

~~[(2)]~~ (f) One member appointed by the Nevada Association of Counties ~~]~~; and

(g) One member appointed by the Committee on Local Government Finance.

3. An appointed member of the ~~[Committee]~~ Council serves a term of 2 years and until his or her successor is appointed. An appointed member may be reappointed ~~]~~ for additional terms of 2 years in the same manner as the original appointment.

4. A vacancy in the appointed membership of the ~~[Committee]~~ Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. Each member of the ~~[Committee]~~ Council:

(a) Serves without compensation; and

(b) While engaged in the business of the ~~[Committee]~~ Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the ~~[Committee]~~ Council 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]~~ Council and perform any work necessary to

carry out the duties of the ~~{Committee}~~ Council 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}~~ Council 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}~~ Council; or

(b) Take annual leave or compensatory time for the absence.

7. The ~~{Committee}~~ Council shall meet at the call of the Chair as frequently as required to perform its duties, but not less than twice each year.

8. A majority of the voting members of the ~~{Committee}~~ Council 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}~~ Council.

9. The ~~{Director}~~ Department of Business and Industry shall provide the ~~{Committee}~~ Council with administrative support.

Sec. 4. The ~~{Committee}~~ Council shall:

1. ~~Approve or deny:~~

~~(a) Any proposal by the Director to allocate or reserve for a particular purpose a portion of the volume cap for any calendar year established for the Director pursuant to subsection 1 of NRS 348A.020;~~

~~(b) Any proposal by the Director to issue or authorize the issuance of private activity bonds attributable to the volume cap for any calendar year established for the Director pursuant to subsection 1 of NRS 348A.020; and~~

~~(c) Any action that has the effect of augmenting or diminishing any volume cap for any calendar year established for the Director or any local government pursuant to NRS 348A.020.~~

~~2. Consult with~~ Receive and consider the annual report concerning housing submitted by the Advisory Committee on Housing, created by section 1 of this act; ~~;~~ not less than annually concerning the needs and any recommended priorities for the use of private activity bonds for the financing of affordable housing.

~~3.~~ 2. Advise the Governor, the State Board of Finance or the Director on the allocation of the state ceiling for the issuance of private activity bonds during any calendar year; and

~~3. Consider any matter concerning private activity bonds referred to it by the Director and may, if requested,~~ Upon request, advise the Governor, the State Board of Finance or the Director on any other matter concerning private activity bonds.

Sec. 5. NRS 348A.010 is hereby amended to read as follows:

348A.010 As used in NRS 348A.010 to 348A.040, inclusive ~~{ }~~ , and sections 3 and 4 of this act:

1. ~~{“Committee”}~~ “Council” means the ~~{Special Committee on}~~ Private Activity ~~Bonds}~~ Bond Council created by section 3 of this act.

2. “Director” means the Director of the Department of Business and Industry.

~~{2-}~~ 3. “Private activity bond” has the meaning ascribed to it in 26 U.S.C. § 141.

~~{3-}~~ 4. “State ceiling” has the meaning ascribed to it in 26 U.S.C. § 146(d).

~~{4-}~~ 5. “Volume cap” has the meaning ascribed to it in 26 U.S.C. § 146(b) and (c).

Sec. 6. As soon as practicable on or after July 1, 2019:

1. The ~~{Majority Leader of the Senate, Speaker of the Assembly,}~~ **Legislative Commission, Nevada Rural Housing Authority, Southern Nevada Regional Housing Authority, Reno Housing Authority** and Director of the Department of Business and Industry shall make the appointments to the Advisory Committee on Housing required by subsection 2 of section 1 of this act; and

2. The ~~{Governor, Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate, Minority Leader of the Assembly,}~~ **Legislative Commission,** Nevada League of Cities, ~~{and}~~ Nevada Association of Counties **and Committee on Local Government Finance** shall make the appointments to the ~~{Special Committee on}~~ Private Activity ~~{Bonds}~~ **Bond Council** required by subsection 2 of section 3 of this act.

Sec. 7. Any regulation adopted by the Administrator of the Housing Division of the Department of Business and Industry concerning the governance of the Advisory Committee on Housing as it existed before July 1, 2017, and which expired by operation of law on July 1, 2017, that is not in conflict with the provisions of section 1 of this act:

1. Shall be deemed to have been adopted by the Administrator on July 1, 2019; and

2. Remains in effect until repealed or replaced by the Administrator.

Sec. 8. This act becomes effective on July 1, 2019.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 489.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 250.

SUMMARY—Requires the establishment of and funds a pilot program relating to federal **and nongovernmental organization** grants. (BDR S-1109)

AN ACT relating to ~~{federal}~~ grants; establishing a fund to provide money for matching federal **and nongovernmental organization** grants; ~~{allowing}~~ **authorizing** this State to seek and obtain federal **and nongovernmental organization** money for certain community projects; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Grant Procurement, Coordination and Management of the Department of Administration to assist state agencies with identifying and obtaining federal grants. (NRS 232.213, 232.224) **Section 1** of this bill creates the ~~Federal~~ Grant Matching Fund as part of a pilot program to provide funds to state agencies, local governments, **tribal governments** and nonprofit organizations as matching funds for federal **and nongovernmental organization** grants. **Section 2** of this bill requires the Administrator of the Office of Grant Procurement, Coordination and Management to create and administer a pilot program that allows state agencies, local governments, **tribal governments** and nonprofit organizations to request grants from the ~~Federal~~ Grant Matching Fund for the purpose of satisfying the matching requirement for a federal **or nongovernmental organization** grant. **Section 3** of this bill establishes certain criteria for prioritizing grants. **Section 4** of this bill establishes standards of eligibility for receiving a grant. **Section 5** of this bill requires that on or before January 31, 2021, the Administrator must provide a summary report on the pilot program to the Legislature. **Section 6** of this bill makes an appropriation to the ~~Federal~~ Grant Matching Fund to provide state agencies, local governments, **tribal governments** and nonprofit organizations grants of money for matching federal **and nongovernmental organization** grants under the pilot program.

WHEREAS, Nevada has long received a disproportionately low rate of federal **and nongovernmental organization** grant funding per capita and as a result, has less money to pay for programs, projects and services that increase the quality of life and opportunities for Nevadans and facilitate growth; and

WHEREAS, Federal **and nongovernmental organization** grant funds are critical to helping pay for community assets, such as infrastructure, affordable housing, health care centers and workforce development programs; and

WHEREAS, Many federal **and nongovernmental organization** grants require the recipient ~~state~~ to share in the cost of delivering a program or project by matching a share of federal **or nongovernmental organization** grant dollars with cash or in-kind services; and

WHEREAS, The inability to meet such matching requirements is often cited by State staff as a key reason for not pursuing or securing federal **and nongovernmental organization** grant opportunities; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby created in the State Treasury a special fund which shall be designated as the ~~Federal~~ Grant Matching Fund.

1. The ~~Federal~~ Grant Matching Fund shall hold appropriated money in trust for the exclusive purpose of providing grants to state agencies, local governments, **tribal governments** and nonprofit organizations to satisfy federal **and nongovernmental organization** grant matching requirements.

2. The ~~{State Treasurer}~~ **Interim Finance Committee** must ~~{review and approve recommendations made by the Office of Grant Procurement, Coordination and Management of the Department of Administration for}~~ **authorize the transfer of money from the Grant Matching Fund before the acceptance of a federal grant ~~{awards}~~ award greater than ~~[\$100,000.]~~ \$150,000 or a nongovernmental organization grant award greater than \$20,000.**

Sec. 2. The Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration shall:

1. Consult with grant professionals employed by the State and other grant experts to create and administer a pilot program that allows state agencies, local governments, **tribal governments** and nonprofit organizations to request grants from the ~~{Federal}~~ Grant Matching Fund for the purpose of satisfying the matching funds requirement for a federal **or nongovernmental organization** grant.

2. Develop a process:

- (a) For state agencies, local governments, **tribal governments** and nonprofit organizations to make a request for a grant for matching funds;
- (b) And criteria for the review, award and notification of grant requests;
- (c) For the payment or transfer of grant money; and
- (d) For reporting on the use and implementation of grant awards.

3. Administer all applicable aspects of the process set forth in subsection 2.

Sec. 3. The pilot program created pursuant to section 2 of this act must:

1. Provide a clear, streamlined and timely process for state agencies, local governments, **tribal governments** and nonprofit organizations to apply for matching funds for a specific federal **or nongovernmental organization** grant and receive a prompt decision from the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration.

2. Prioritize grants that:

- (a) Add services to constituents;
- (b) Align with the documented priorities of the state agency, local government, **tribal government** or nonprofit organization;
- (c) Address the needs of underserved or frontier communities;
- (d) Help state agencies, local governments, **tribal governments** and nonprofit organizations build capacity for future grant opportunities; and
- (e) Enable a state agency, local government, **tribal government** or nonprofit organization to sustain the grant in its next budget.

Sec. 4. To be eligible for a grant from the ~~{Federal}~~ Grant Matching Fund created by section 1 of this act, a state agency, local government, **tribal government** or nonprofit organization must:

1. Demonstrate that:

- (a) It is pursuing a bona fide federal **or nongovernmental organization** grant for which it is eligible;

(b) It attempted but was unable to secure match funding through its own budget or in-kind resources; ~~and~~

(c) The grant is within its scope; ~~and~~

(d) The grant is a competitive grant; and

(e) The grant will provide not less than \$2 for each \$1 received from the Grant Matching Fund.

2. Apply for a grant in the form and process prescribed by the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration.

3. Adhere to other requirements deemed appropriate for the pilot program created pursuant to section 2 of this act by the Administrator.

Sec. 5. On or before January 31, 2021, the Administrator of the Office of Grant Procurement, Coordination and Management of the Department of Administration shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a summary report for the preceding 18 months detailing:

1. The number and purpose of grant requests received from state agencies, local governments, **tribal governments** and nonprofit organizations;

2. The number and purpose of grant requests approved and the amount of money awarded from the ~~Federal~~ Grant Matching Fund created by section 1 of this act to each approved grant request applicant; and

3. The amount of federal **and nongovernmental organization** grant funding received by each ~~federal~~ grant applicant as a result of receiving money from the ~~Federal~~ Grant Matching Fund.

Sec. 6. There is hereby appropriated from the State General Fund to the ~~Federal~~ Grant Matching Fund created by section 1 of this act the sum of \$5,000,000 for the purpose of providing grants to state agencies, local governments, **tribal governments** and nonprofit organizations to satisfy federal **and nongovernmental organization** grant matching requirements as administered through the pilot program pursuant to section 2 of this act.

Sec. 7. Any remaining balance of the appropriation made by section 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 appropriation is made 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. 8. 1. This act becomes effective on July 1, 2019.

2. Sections 1 to 5, inclusive, of this act expire by limitation on June 30, 2021.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 81, 223, 234, 264, 300, 364, 383, 399, 476, and 489 be rereferred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:05 p.m.

ASSEMBLY IN SESSION

At 10:08 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 62.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 566.

AN ACT relating to water; **authorizing, under certain circumstances, the State Engineer to grant an additional extension of time for the completion of work for the diversion of water to projects that include the municipal or quasi-municipal use of 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 1 of this bill authorizes the State Engineer to grant an additional extension of time for the completion of work for the diversion of water to the holder of a permit for a project that includes the municipal or quasi-municipal use of water if: (1) the applicant has adopted a capital improvement plan that is consistent with a water resource plan adopted

by a county, city or water authority; and (2) the applicant is able to demonstrate that the amount of time he or she expects to complete construction of the works is reasonable and that he or she has the financial ability to complete construction.

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 **, with limited exception,** 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. **Section 2 further provides that the State Engineer may grant any number of suspensions, but a single suspension may not exceed 2 years.**

Sections ~~1~~ **1.5** 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. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any extensions granted pursuant to NRS 533.390, the State Engineer may grant a single extension of time to file the proof of completion of work for a project that includes the municipal or quasi-municipal use of water if the governing body of a county or city in which the place of use for the project is located or the water authority that serves the area in which the place of use for the project is located has adopted a water resource plan, that includes, without limitation:

(a) The identification of all known sources of surface water, groundwater and effluent that are physically and legally available for use in the community.

(b) An analysis of the:

(1) Existing demand for water in the community; and

(2) Expected demand for water in the community caused by projected growth.

(c) An analysis of whether the sources of water identified in paragraph (a) are of sufficient quality and quantity to satisfy the existing and expected demands described in paragraph (a).

(d) If the analysis pursuant to paragraph (c) determines that the sources of water identified in paragraph (a) are not of sufficient quality or quantity to satisfy demands, a plan for obtaining additional water of sufficient quality and quantity.

2. To request an extension of time pursuant to subsection 1, a holder of a permit must submit to the State Engineer an application for an extension of time within 30 days after receiving notice by registered or certified mail that proof of work is due as provided for in NRS 533.390 and 533.410. The application must include, without limitation:

(a) A capital improvement plan for the project in accordance with the requirements of subsection 3; and

(b) Evidence that the capital improvement plan is consistent with a water resource plan adopted by the governing body of a county or city or a water authority that meets the requirements of subsection 1.

3. A capital improvement plan must include, without limitation:

(a) An evaluation of the supply, distribution, condition of existing facilities and operation and maintenance programs of the water system of the applicant;

(b) A description of the construction work necessary to complete the works of diversion, system of conveyance or any associated facilities necessary to apply the water to beneficial use;

(c) A demonstration that the works and any associated facilities included in the project are capable of conveying the water to the place of use;

(d) A demonstration that:

(1) There is sufficient funding available to the applicant to complete construction of the project; or

(2) If the project is composed of several features, the applicant has the financial ability and reasonable expectations to complete construction of all features of the project; and

(e) Any additional information requested by the State Engineer.

4. In determining whether to grant or deny a request for an extension pursuant to subsection 1, the State Engineer:

(a) Shall consider the requirements set forth in NRS 533.380; and

(b) May consider:

(1) The reasonableness of the amount of time the applicant expects to complete construction of the works and any associated facilities;

(2) The reasonableness of the financial ability of the applicant to complete construction of the works and any associated facilities;

(3) Whether, at the time the applicant requested the extension, the applicant had available funding to complete construction of the works and any associated facilities; and

(4) Any other factor presented by the applicant to demonstrate that he or she has a reasonable and certain time frame for completing construction of the works and any associated facilities.

5. The State Engineer may approve or deny a request for an extension pursuant to this section following a public hearing on the request. The State Engineer must provide reasonable notice of such public hearing. If, following the public hearing, the State Engineer determines that the applicant has not demonstrated that the applicant:

(a) Expects to complete construction of the works and any associated facilities within a reasonable amount of time; or

(b) Has the financial ability to complete construction of the works of diversion and any associated facilities,

↪ the State Engineer shall deny the application for an extension requested pursuant to this section.

~~Section 1.1~~ **Sec. 1.5.** 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 ~~and~~ and section 1 of this act.** 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, except as otherwise provided in section 1 of this act, 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 temporarily 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 ~~for~~ a local government or a tribal 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 temporarily suspend the limitation of time for completion of the work pursuant to this subsection.

4. The State Engineer may grant any number of suspensions pursuant to subsection 3, but a single suspension of time must not exceed 2 years.

5. As used in this section, "tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.13, inclusive.

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.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 86.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 620.

AN ACT relating to governmental purchasing; making provisions relating to purchasing by local governments applicable to a metropolitan police department; exempting certain purchases by local governments from requirements of competitive bidding; increasing the monetary thresholds at which local governmental purchasing contracts must be advertised; authorizing a local government to dispose of personal property by donating it to another governmental entity or nonprofit organization; authorizing the Administrator of the Purchasing Division of the Department of Administration to enter into a contract pursuant to a solicitation by certain governmental entities; revising provisions governing certain preferences for businesses owned and operated by a veteran with a service-connected disability; making various other changes relating to governmental purchasing; authorizing the

Commission to Study Governmental Purchasing to request the drafting of legislative measures for each regular session of the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Local Government Purchasing Act governs the purchasing of services, supplies, materials and equipment by local governments. (Chapter 332 of NRS) This bill changes the terms “bid” to “response” and “request for bids” to “solicitation” throughout the Act to encompass the different methods of procurement which may be used by a local government to award a contract.

Section 6 of this bill makes the Act applicable to a metropolitan police department. (NRS 332.015)

Existing law requires a local government to maintain a record of all requests for bids and all bids received for a contract for which the estimated annual amount required to perform the contract is more than \$25,000 but not more than \$50,000 for at least 7 years after the execution of the contract. (NRS 332.039) **Sections 2 and 46** of this bill make this requirement applicable to all contracts, regardless of the estimated annual amount required to perform the contract. **Section 3** of this bill prescribes the requirements for a solicitation by a local government. **Section 5** of this bill nonsubstantively reenacts provisions in existing law for purposes of reorganization. (NRS 332.065) **Section 5** of this bill requires a local government to award a contract on the basis of price ~~for best value~~ if the estimated cost to perform the contract is more than \$50,000 but not more than \$100,000.

Under existing law, a local government is prohibited from using on-line bidding as the exclusive means of receiving bids for a request for bids. (NRS 332.047) **Section 9** of this bill authorizes a local government to use an on-line solicitation as the exclusive means of receiving responses to a solicitation if there is not any cost to the responding offeror for submitting the response. ~~[Section 9 also authorizes a local government to use a reverse auction when conducting an on-line solicitation.]~~

Existing law: (1) requires a local government to advertise a purchasing contract if the estimated cost to perform the contract exceeds \$50,000; and (2) specifies the requirements for such an advertisement. (NRS 332.039, 332.045) **Section 11** of this bill: (1) increases that minimum monetary threshold for advertising such a contract to when the estimated annual amount to perform the contract is more than \$100,000; and (2) revises the criteria for awarding such a contract. **Sections 11 and 46** also provide for the inclusion of the qualifications of a bidder with the requirements for awarding such a contract. **Sections 12 and 13** of this bill make conforming changes. **Section 8** of this bill revises requirements regarding an advertisement for a purchasing contract.

Existing law imposes restrictions on the assignment of a purchasing contract. (NRS 332.095) **Section 14** of this bill authorizes the assignment of such a contract if the contract is assigned by virtue of the acquisition of the person who is a party to the contract under certain circumstances.

Section 16 of this bill adds to the exemptions from the requirements of competitive bidding in existing law certain services and equipment for computers, instructional materials, the purchase of goods commonly used by hospitals and the purchase of certain forensic equipment and supplies in certain circumstances. (NRS 332.115) **Section 20** of this bill expressly authorizes a local government to dispose of personal property by donating it to another governmental entity or nonprofit organization. (NRS 332.185)

Existing law authorizes a local government to join or use the contracts of the State of Nevada, another state or a local government with the authorization of the contracting vendor. (NRS 332.195) **Section 21** of this bill instead authorizes a local government to enter into a contract pursuant to a solicitation by these entities. **Section 21** also authorizes a local government to enter into a contract pursuant to a solicitation by certain cooperative purchasing organizations.

The State Purchasing Act governs the purchasing of services, supplies, materials and equipment by agencies of the Executive Department of the State Government, with certain exceptions. (Chapter 333 of NRS) **Section 25** of this bill authorizes the Administrator of the Purchasing Division of the Department of Administration to enter into a contract pursuant to a solicitation for a bid or proposal by certain governmental entities. **Section 26** of this bill provides that a purchasing officer facilitates, rather than participates in, certain activities relating to the awarding of state contracts. (NRS 333.020) **Section 27** of this bill removes the ability of the Administrator in existing law to supply the needs of a using agency from stores of commodities on hand. (NRS 333.160) **Section 28** of this bill specifies a request for qualifications and a request for information as methods of obtaining a state purchasing contract. (NRS 333.162) **Section 29** of this bill removes the requirement in existing law that bids be read publicly as they are opened. (NRS 333.330)

Section 30 of this bill: (1) requires the inclusion of a person designated by the Chief Information Officer of the State on a committee that evaluates proposals for the procurement of technology for which the estimated cost is more than \$100,000 in certain circumstances; and (2) eliminates certain factors specified in existing law that are required to be considered by such a committee besides those factors disclosed in the request for proposals. (NRS 333.335)

Under existing law, a bid or proposal for a state purchasing contract for which the estimated cost is more than \$50,000 but not more than \$250,000 that is submitted by a local business owned by a veteran with a service-connected disability of at least zero percent and who is a responsive and responsible bidder is deemed to be 5 percent lower than the bid or proposal actually submitted. For state purchasing contracts for which the estimated cost is more than \$250,000 but less than \$500,000, only a local business owned and operated by a veteran with a service-connected disability of 50 percent or more is eligible under existing law for the 5-percent preference. (NRS 333.3362, 333.3365, 333.3366) **Section 31** of this bill revises the qualifications for a local business to be eligible for such a preference to require that: (1) its principal

place of business is in this State; and (2) the majority of the goods provided for in a state purchasing contract are produced in this State. (NRS 333.3363) **Section 32** of this bill: (1) adds a contract for the services of a person as an independent contractor to the type of contract in existing law for which such a preference may be given; and (2) removes the monetary threshold between preferences and thereby allows a veteran with a service-connected disability of at least zero percent to be eligible for a preference on state purchasing contracts for any amount over \$250,000. (NRS 333.3366) **Sections 33 and 34** of this bill make conforming changes.

In addition to the duties prescribed by existing law for a person who is authorized to enter into a contract for state purchasing, **section 35** of this bill requires such a person to ensure that the contract: (1) includes any provision relating to insurance that the State Risk Manager determines is necessary; and (2) is approved by the Purchasing Division or the Office of the Attorney General. (NRS 333.337)

Section 36 of this bill: (1) removes a requirement in existing law that the notice of award of a contract be posted in certain public buildings; (2) revises provisions governing an appeal of the award of a contract; and (3) removes a requirement in existing law that a cancellation of an award of a contract requires readvertising for bids. (NRS 333.370)

Under existing law, with certain exceptions, the Administrator is authorized to allow using agencies to make certain purchases locally up to certain monetary limitations. (NRS 333.390) **Section 37** of this bill: (1) authorizes a using agency to purchase items that are not available directly from an entity with which the Purchasing Division has entered into a contract if the purchase is made in accordance with the State Administrative Manual and the statutes and regulations governing purchasing by state agencies; and (2) removes the monetary limitations on such purchases.

Sections 38 and 39 of this bill remove a requirement in existing law that the Administrator issue bulletins indicating the supplies, materials and equipment available through the facilities of the Purchasing Division. (NRS 333.469, 333.470)

Existing law authorizes the Administrator to enter into an agreement for supplies, materials or equipment with a vendor who has entered into an agreement with the federal General Services Administration or certain other governmental agencies under certain circumstances. (NRS 333.480) **Section 40** of this bill removes authorization for the Administrator to enter into such an agreement with a vendor who has entered into an agreement with a non-federal agency as a result of the authority provided to the Administrator in **section 25**.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) **Section 42** of this bill authorizes the Commission to Study Governmental Purchasing to request for each regular session of the Legislature the drafting of not more

than 2 legislative measures which relate to matters within the scope of the Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *A governing body or its authorized representative shall maintain a record of each solicitation and response to a solicitation for at least 7 years after the date of execution of the contract.*

Sec. 3. *Each solicitation must include, without limitation:*

1. *The minimum requirements that a successful responding offeror must meet for the awarding of the contract pursuant to the provisions of this chapter;*

2. *The method by which the contract will be awarded, including, without limitation, on the basis of ~~best value,~~ price or lowest responsive and responsible bidder;*

3. *Notice of the written certification required pursuant to subsection 3 of NRS 332.065, if applicable; and*

4. *The period during which a notice of protest regarding the awarding of a contract pursuant to NRS 332.068 may be submitted, if applicable.*

Sec. 4. 1. *If the estimated annual amount required to perform a contract is more than \$100,000 and the designated method for awarding the contract specified in the solicitation is an invitation to bid, the governing body or its authorized representative:*

(a) Shall give preference to a bid to provide recycled products if:

(1) The products meet the applicable standards;

(2) The products can be substituted for comparable nonrecycled products; and

(3) The products do not cost more than comparable nonrecycled products.

(b) May give preference to a bid to provide recycled products if:

(1) The products meet the applicable standards;

(2) The products can be substituted for comparable nonrecycled products; and

(3) The products do not cost more than 5 percent more than the comparable nonrecycled products.

(c) May purchase recycled paper products if the specific recycled paper product is:

(1) Available at a price which is not more than 10 percent higher than that of the comparable paper product made from virgin material;

(2) Of adequate quality; and

(3) Available to the purchaser within a reasonable amount of time.

2. *As used in this section:*

(a) *“Postconsumer waste” means a finished material which would normally be disposed of as solid waste having completed its life cycle as a consumer item.*

(b) *“Recycled paper product” means any paper or wood-pulp product containing in some combination comprising at least 50 percent of its total weight:*

- (1) *Postconsumer waste; and*
- (2) *Secondary waste,*

↪ *but the term does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.*

(c) *“Secondary waste” means fragments of products or finished products of a manufacturing process which has converted a virgin resource into a commodity of real economic value.*

Sec. 5. 1. *Except as otherwise provided by specific statute, if the estimated annual amount required to perform a contract is more than \$50,000 but not more than \$100,000, the governing body or its authorized representative:*

(a) *Shall solicit responses from two or more persons capable of performing the contract, if such persons are available; and*

(b) *May advertise the contract in the manner prescribed in NRS 332.045.*

2. *The governing body or its authorized representative shall award such a contract on the basis of price ~~or best value,~~ taking into account the minimum requirements of a responding offeror prescribed in the solicitation pursuant to section 3 of this act and the method prescribed in that solicitation for awarding the contract.*

Sec. 6. NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, “local government” means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 318, 318A, 379, 450, 474, 539, 541, 543 and 555 of NRS.

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

(e) *A metropolitan police department created pursuant to the provisions of NRS 280.110.*

2. The term does not include the Nevada Rural Housing Authority.

Sec. 7. NRS 332.025 is hereby amended to read as follows:

332.025 As used in this chapter, unless the context otherwise requires:

1. “Authorized representative” means a person designated by the governing body to be responsible for the development, award and proper administration of all purchases and contracts for a local government or a department, division, agency, board or unit of a local government made pursuant to this chapter.

2. ~~“Best value” means the greatest possible economy consistent with grades or qualities of supplies, materials, equipment and services that are adapted to the purposes to be served.~~

~~3.~~ “Chief administrative officer” means the person directly responsible to the governing body for the administration of that particular entity.

3. ~~4.~~ “Evaluator” means an authorized representative, officer, employee, representative, agent, consultant or member of a governing body who has participated in:

- (a) The evaluation of ~~bids;~~ **responses;**
- (b) Negotiations concerning purchasing by a local government; or
- (c) The review or approval of the award, modification or extension of a contract.

4. ~~5.~~ “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested. The term includes a local school precinct.

5. ~~6.~~ “Local school precinct” has the meaning ascribed to it in NRS 388G.535.

6. ~~7.~~ **“On-line solicitation” means a process by which a responding offeror submits a response to a solicitation on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.**

~~8.~~ 7. “Proprietary information” means:

(a) Any trade secret or confidential business information that is contained in a ~~bid~~ **response** submitted to a governing body or its authorized representative on a particular contract; or

(b) Any other trade secret or confidential business information submitted to a governing body or its authorized representative by a ~~bidder~~ **responding offeror** and designated as proprietary by the governing body or its authorized representative.

↪ As used in this subsection, “confidential business information” means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost, price, or the customers of a ~~bidder~~ **responding offeror** which is submitted in support of a ~~bid~~ **response**. The term does not include the amount of a ~~bid~~ **response** submitted to a governing body or its authorized representative.

~~7.~~ ~~9.~~ 8. **“Responding offeror” means a person who responds to a solicitation made by a governing body or its authorized representative.**

~~§ 9.~~ **9.** “Solicitation” means a written statement which sets forth the requirements and specifications of a contract to be awarded by:

- (a) An invitation to bid;
- (b) A request for proposals;
- (c) A request for a statement of qualifications;
- (d) A request for a quotation; or
- (e) Any other accepted method of purchasing that complies with the provisions of this chapter.

~~§ 10.~~ **10.** “Trade secret” has the meaning ascribed to it in NRS 600A.030.

Sec. 8. NRS 332.045 is hereby amended to read as follows:

332.045 1. The advertisement required by ~~paragraph (a) of~~ subsection 1 of NRS ~~332.039~~ **332.065 or authorized by subsection 1 of section 5 of this act** must be ~~by notice to bid and must be~~ published:

(a) In a newspaper qualified pursuant to chapter 238 of NRS that has a general circulation within the county wherein the local government, or a major portion thereof, is situated at least once and not less than 7 days before the opening of ~~bids; and~~ **responses**.

(b) ~~On the~~ **Every day for not less than 7 days before the opening of responses on:**

(1) **The** Internet website of the local government, if the local government maintains an Internet website ~~every day for not less than 7 days before the opening of bids;~~ **or**

(2) **A secure website on the Internet or its successor, if any, which is established and maintained for the purpose of an on-line solicitation.**

2. The ~~notice~~ **advertisement** must state:

- (a) The nature, character or object of the contract.
- (b) If plans and specifications are ~~to constitute~~ part of the contract, where the plans and specifications may be seen.
- (c) The time and ~~place where bids~~ **date on which responses** will be ~~received and~~ opened.
- (d) That a written certification is a required part of the contract pursuant to subsection ~~2~~ **3** of NRS 332.065.

(e) Such other matters as may properly pertain to ~~giving notice to bid;~~ **the contract.**

Sec. 9. NRS 332.047 is hereby amended to read as follows:

332.047 1. A governing body or its authorized representative may use **an** on-line ~~bidding~~ **solicitation** to receive ~~bids submitted in response~~ **responses** to a ~~request for bids;~~ **solicitation**. The governing body or its authorized representative shall not use **an** on-line ~~bidding~~ **solicitation** as the exclusive means of ~~receiving bids for the request for bids;~~ **a solicitation if there is any cost to a responding offeror to submit a response.**

2. ~~A request for bids for which bids may be submitted pursuant to subsection 1~~ **An on-line solicitation** must designate a date and time at which ~~bids~~ **responses** may be submitted and may designate a date and time after which ~~bids~~ **responses** will no longer be received.

3. A governing body or its authorized representative may require ~~{bidders}~~ *a responding offeror* to:

(a) Register *for an on-line solicitation* before the date and time at which ~~{bids}~~ *responses* may be submitted; and

(b) Agree to terms, conditions or requirements of the ~~{request for bids}~~ *solicitation* to facilitate *the* on-line ~~{bidding}~~ *solicitation*.

4. The procedures established by a governing body or its authorized representative for the purposes of conducting *an* on-line ~~{bidding must}~~ *solicitation* ~~f-~~

~~(a) Must must~~ not conflict with the provisions of this chapter.

~~{(b) May authorize the use of a reverse auction.}~~

~~5. As used in this section, "on line bidding" "reverse auction" means a process by which bidders a responding offeror may submit bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose. more than one response to an on-line solicitation if each subsequent response to the on-line solicitation is at a lower price.}~~

Sec. 10. NRS 332.061 is hereby amended to read as follows:

332.061 1. Except as otherwise provided in this subsection and NRS 239.0115, proprietary information does not constitute public information and is confidential. A person shall not disclose proprietary information unless:

(a) The disclosure is made for the purpose of a civil, administrative or criminal investigation or proceeding; and

(b) The person receiving the information represents in writing that protections exist under applicable law to preserve the integrity, confidentiality and security of the information.

2. A ~~{bid}~~ *solicitation* which contains a provision that requires negotiation or evaluation by the governing body or an evaluator may not be disclosed until the ~~{bid}~~ *response* is recommended for the award of a contract.

Sec. 11. NRS 332.065 is hereby amended to read as follows:

332.065 1. *Except as otherwise provided by specific statute, if the estimated annual amount required to perform a contract is more than \$100,000, the governing body or its authorized representative:*

(a) *Shall advertise the contract in the manner prescribed in NRS 332.045; and*

(b) *May issue a solicitation for the contract.*

2. If ~~{a governing body or its authorized representative has advertised for or requested bids in letting}~~ *the estimated annual amount to perform a contract* ~~{}~~ *is more than \$100,000 and the method for obtaining the contract designated in the solicitation is an invitation to bid,* the governing body or its authorized representative must, except as otherwise provided ~~{in subsection 3.}~~ *by specific statute,* award the contract to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder may be judged on the basis of:

- (a) Price;
- (b) Conformance to specifications;
- (c) Qualifications ~~{ }~~ *of the bidder, including, without limitation:*
 - (1) *The possession of or limit on any required license of the bidder;*
 - (2) *The financial responsibility of the bidder;*
 - (3) *The experience of the bidder; and*
 - (4) *The ability of the bidder to perform the contract;*
- (d) *Adequacy of the equipment of the bidder;*
- (e) Past performance;
- ~~{(e)}~~ (f) Performance *schedule* or delivery date;
- ~~{(f)}~~ Quality and utility of services, supplies, materials or equipment offered and the adaptability of those services, supplies, materials or equipment to the required purpose of the contract;
- (g) ~~*The best value;*~~
- ~~{(h)}~~ *If the contract requires the delivery of goods, the total cost of ownership of the goods;*
- ~~{(i)}~~ (h) *If the contract requires the delivery of goods, the purpose for which the goods to be supplied are required;*
- ~~{(j)}~~ (i) The best interests of the public; and
- ~~{(h)}~~ ~~{(k)}~~ (j) Such other criteria as may be set forth by the governing body or its authorized representative in the advertisement or ~~request for bids,~~ *solicitation*, as applicable, that pertains to the contract.

~~{2}~~ 3. A governing body or its authorized representative shall not enter into a contract described in paragraph (a) of subsection 1 of NRS 332.039 with a company unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel.

- ~~{3}~~ The governing body or its authorized representative:
- ~~{(a)}~~ Shall give preference to recycled products if:
 - ~~{(1)}~~ The product meets the applicable standards;
 - ~~{(2)}~~ The product can be substituted for a comparable nonrecycled product;
 and
 - ~~{(3)}~~ The product costs no more than a comparable nonrecycled product.
 - ~~{(b)}~~ May give preference to recycled products if:
 - ~~{(1)}~~ The product meets the applicable standards;
 - ~~{(2)}~~ The product can be substituted for a comparable nonrecycled product;
 and
 - ~~{(3)}~~ The product costs no more than 5 percent more than a comparable nonrecycled product.
 - ~~{(c)}~~ May purchase recycled paper products if the specific recycled paper product is:
 - ~~{(1)}~~ Available at a price which is not more than 10 percent higher than that of paper products made from virgin material;
 - ~~{(2)}~~ Of adequate quality; and
 - ~~{(3)}~~ Available to the purchaser within a reasonable period.

4. If after the lowest responsive and responsible bidder has been awarded the contract, during the term of the contract he or she does not ~~supply goods or services~~ **perform** in accordance with the bid specifications, or if he or she repudiates the contract, the governing body or its authorized representative may reaward the contract to the next lowest responsive and responsible bidder without requiring that new bids be submitted. Reawarding the contract to the next lowest responsive and responsible bidder is not a waiver of any liability of the initial bidder awarded the contract.

5. ***Except as otherwise provided by specific statute, if the estimated annual amount to perform a contract is more than \$100,000 and the method for obtaining the contract designated in the solicitation is a method other than an invitation to bid, the governing body or its authorized representative shall award such a contract taking into account the minimum requirements for a responding offeror prescribed in the solicitation pursuant to section 3 of this act and the method prescribed in that solicitation for awarding the contract.***

6. As used in this section:

(a) "Boycott of Israel":

(1) Means, except as otherwise provided in subparagraph (2), refusing to deal or conduct business with, abstaining from dealing or conducting business with, terminating business or business activities with or performing any other action that is intended to limit commercial relations with:

(I) Israel; or

(II) A person or entity doing business in Israel or in territories controlled by Israel,

↪ if such an action is taken in a manner that discriminates on the basis of nationality, national origin or religion.

(2) Does not include an action that is described in subparagraph (1) if the action:

(I) Is based on a bona fide business or economic reason;

(II) Is taken pursuant to a boycott against a public entity of Israel if the boycott is applied in a nondiscriminatory manner; or

(III) Is taken in compliance with or adherence to calls for a boycott of Israel if that action is authorized in 50 U.S.C. § 4607 or any other federal or state law.

(b) "Company" means any domestic or foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or other domestic or foreign entity or business association, including, without limitation, any wholly owned subsidiary, majority owned subsidiary, parent company or affiliate of such an entity or business association, that exists for the purpose of making a profit.

(c) ~~"Postconsumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.~~

~~—(d) “Recycled paper product” means all paper and wood pulp products containing in some combination at least 50 percent of its total weight:~~

~~—(1) Postconsumer waste; and~~

~~—(2) Secondary waste;~~

~~↳ but does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.~~

~~—(e) “Secondary waste” means fragments of products or finished products of a manufacturing process which has converted a virgin resource into a commodity of real economic value.} “Total cost of ownership” includes, without limitation:~~

~~(1) The history of maintenance and repair of the goods;~~

~~(2) The cost of routine maintenance and repair of the goods;~~

~~(3) Any warranties provided in connection with the goods;~~

~~(4) The cost of replacement parts for the goods; and~~

~~(5) The value of the goods as used goods when given in trade on a subsequent purchase.~~

Sec. 12. NRS 332.068 is hereby amended to read as follows:

332.068 1. A person who submits a ~~bid on~~ **response to a solicitation for** a contract ~~{that is required to be advertised pursuant to paragraph (a) of subsection 1 of NRS 332.039}~~ **for which the estimated annual amount to perform the contract is more than \$100,000** may, after the ~~bids~~ **responses** are opened and within the period specified by the governing body or its authorized representative ~~};~~ **in the solicitation pursuant to section 3 of this act**, file with the governing body or its authorized representative a notice of protest regarding the awarding of the contract.

2. A notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated.

3. A person filing a notice of protest may be required by the governing body or its authorized representative, at the time the notice of protest is filed, to post a bond with a good and solvent surety authorized to do business in this State or submit other security, in a form approved by the governing body or its authorized representative, to the governing body or its authorized representative who shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with a notice of protest must be in an amount equal to the lesser of:

(a) Twenty-five percent of the total value of the ~~bid~~ **response** submitted by the person filing the notice of protest; or

(b) Two hundred fifty thousand dollars.

4. A notice of protest filed in accordance with the provisions of this section operates as a stay of action in relation to the awarding of any contract until a determination is made by the governing body or its authorized representative on the protest.

5. A person who submits an unsuccessful ~~bid~~ **response** may not seek any type of judicial intervention until the governing body or its authorized representative has made a determination on the protest and awarded the contract.

6. A governing body or its authorized representative is not liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a person who submits a ~~bid~~ **response**, whether or not the person files a notice of protest pursuant to this section.

7. If the protest is upheld, the bond posted or other security submitted with the notice of protest must be returned to the person who posted the bond or submitted the security. If the protest is rejected, a claim may be made against the bond or other security by the governing body or its authorized representative in an amount equal to the expenses incurred by the governing body or its authorized representative because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the person who posted the bond or submitted the security.

Sec. 13. NRS 332.075 is hereby amended to read as follows:

332.075 Any ~~for all bids received in~~ response to a ~~request for bids~~ **solicitation for a contract for which the estimated annual amount to perform a contract is more than \$100,000** may be rejected by the governing body or its authorized representative if ~~such~~ **the** governing body or its authorized representative determines that ~~any such bidder~~ **the responding offeror** is not responsive or responsible or that the quality of the services, supplies, materials, equipment or labor offered does not conform to requirements or if the public interest would be served by such a rejection.

Sec. 14. NRS 332.095 is hereby amended to read as follows:

332.095 1. ~~No~~ **Except as otherwise provided in subsection 2:**

(a) **No** contract awarded may be assigned to any other person without the consent of the governing body or its authorized representative.

~~2.~~ (b) No contract awarded or any portion thereof may be assigned to any person who was declared by the governing body or its authorized representative not to be a responsible person to perform the particular contract.

2. The provisions of this section do not apply to the assignment of a contract by virtue of the acquisition of the person who is a party to the contract by a person that purchases the full assets and liabilities of the person who is a party to the contract.

Sec. 15. NRS 332.105 is hereby amended to read as follows:

332.105 1. A ~~bid bond~~ performance bond, payment bond or any **other bond or** combination thereof, with sufficient surety, in such amount as may be determined necessary by the governing body or its authorized representative, may be required of each ~~bidder or contractor~~ **responding offeror** on a particular contract.

2. Any such bonds may be to insure proper performance of the contract and save, indemnify and keep harmless the local government against all loss,

damages, claims, liabilities, judgments, costs and expenses which may accrue against the local government in consequence of the awarding of the contract.

3. If a local government requires such a bond, it shall not also require a detailed financial statement from each ~~bidder~~ **responding offeror** on the contract.

Sec. 16. NRS 332.115 is hereby amended to read as follows:

332.115 1. Contracts which by their nature are not adapted to award by **a competitive ~~bidding~~ solicitation**, including contracts for:

- (a) Items which may only be contracted from a sole source;
- (b) Professional services;
- (c) Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person;
- (d) Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the local government is compatible with existing equipment;
- (e) Perishable goods;
- (f) Insurance;
- (g) Hardware and associated peripheral equipment and devices for computers;
- (h) Software for computers;
- (i) **Maintenance and support for:**
 - (1) **Hardware and associated peripheral equipment and devices for computers; and**
 - (2) **Software for computers;**
 - (j) **Equipment containing hardware or software for computers;**
 - (k) Books, **instructional materials**, library materials and subscriptions;
 - ~~(l)~~ (l) Motor vehicle fuel purchased by a local law enforcement agency for use in an undercover investigation;
 - ~~(m)~~ (m) Motor vehicle fuel for use in a vehicle operated by a local law enforcement agency or local fire department if such fuel is not available within the vehicle's assigned service area from a fueling station owned by the State of Nevada or a local government;
 - ~~(n)~~ (n) Purchases made with money in a store fund for prisoners in a jail or local detention facility for the provision and maintenance of a canteen for the prisoners;
 - ~~(o)~~ (o) Supplies, materials, ~~for~~ equipment **or services** that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another **federal** governmental agency located within or outside this State;
 - ~~(p)~~ (p) Items for resale through a retail outlet operated in this State by a local government or the State of Nevada;
 - ~~(q)~~ (q) Commercial advertising within a recreational facility operated by a county fair and recreation board;

~~(p)~~ (r) Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of persons with disabilities; and

~~(q)~~ (s) The design of, and equipment and services associated with, systems of communication,

are not subject to the requirements of this chapter for *a* competitive ~~bidding,~~ **solicitation**, as determined by the governing body or its authorized representative.

2. The purchase of ***forensic equipment and supplies used in forensic analysis or other*** equipment for use by a local law enforcement agency in the course of an undercover investigation is not subject to the requirements of this chapter for *a* competitive ~~bidding,~~ **solicitation**, as determined by the governing body or its authorized representative, if:

(a) The equipment is an electronic or mechanical device which by design is intended to monitor and document in a clandestine manner suspected criminal activity; ~~or~~

(b) Purchasing the equipment pursuant to such requirements would limit or compromise the use of such equipment by an agency authorized to conduct such investigations ~~;~~ **or**

(c) ***The equipment and supplies are:***

(1) ***Used in analysis in such investigations; or***

(2) ***Required to comply with specific forensic standards or quality standards.***

3. The purchase of personal safety equipment for use by a response agency or any other local governmental agency is not subject to the requirements of this chapter for *a* competitive ~~bidding,~~ **solicitation**, as determined by the governing body or its authorized representative, if:

(a) The personal safety equipment will be used by personnel of the response agency or other local governmental agency in preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters in which the health, safety or welfare of those personnel may be compromised, impaired or otherwise threatened; and

(b) The cost of the personal safety equipment is comparable to the cost of similar personal safety equipment that is available for purchase by the public.

4. The ***purchase of goods commonly used by a hospital, including, without limitation, medical equipment, implantable devices and pharmaceuticals, by the*** governing body of a hospital ~~required to comply with the provisions of this chapter,~~ or its authorized representative ~~may purchase goods commonly used by the hospital, under a contract awarded pursuant to NRS 332.065, without additional~~ ***is not subject to the requirements of this chapter for a*** competitive ~~bidding even if at the time the contract was awarded.~~

~~—(a) The vendor supplying such goods to the person awarded the contract was not identified as a supplier to be used by the person awarded the contract; or~~

~~—(b) The vendor was identified as a supplier but was not identified as the supplier of such goods.~~

↪ **solicitation.** The governing body of the hospital *or its authorized representative* shall make available for public inspection each such contract and records related to those purchases.

5. This section does not prohibit a governing body or its authorized representative from advertising for or requesting ~~fbids.~~ **responses.**

6. As used in this section:

(a) “Act of terrorism” has the meaning ascribed to it in NRS 239C.030.

(b) “Personal safety equipment” means safety equipment that personnel of a response agency or other local governmental agency:

(1) Use in the course of preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters; or

(2) Wear or otherwise carry on a regular basis.

↪ The term includes, without limitation, firearms, boots, bulletproof vests or other types of body armor, protective garments, protective eyewear, gloves, helmets, and any specialized apparatus, equipment or materials approved or recommended by the United States Department of Homeland Security.

(c) “Response agency” means an agency of a local government that provides services related to law enforcement, firefighting, emergency medical care or public safety.

Sec. 17. NRS 332.117 is hereby amended to read as follows:

332.117 1. In accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to NRS 334.025, a governing body ~~of a local government~~ or its authorized representative may award, without complying with the requirements for *a* competitive ~~bidding~~ **solicitation** set forth in this chapter, a contract for services or for the purchase of supplies, materials, equipment or labor to a nonprofit organization or agency whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive.

2. A nonprofit organization or agency that:

(a) Wishes to submit a ~~bid for such~~ **response to a** ~~contract~~ **solicitation** must:

(1) Register with the Purchasing Division of the Department of Administration as required pursuant to NRS 334.025; and

(2) Establish a fair-market price for those services, supplies, materials, equipment or labor by conducting a market survey and must include the survey with the ~~bid~~ **response** submitted to the local government.

(b) Is awarded such a contract must report quarterly to the Purchasing Division as required pursuant to NRS 334.025.

3. As used in this section, “nonprofit organization or agency” means an organization or agency that is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3).

Sec. 18. NRS 332.146 is hereby amended to read as follows:

332.146 1. Except as otherwise provided by law, if the governing body or its authorized representative determines that the supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale, sale of merchandise left after an exhibition, or other similar sale at a reasonable savings over the cost of like merchandise and below the market cost in the community, a contract or contracts may be let or the purchase made without complying with the requirements of this chapter for **a** competitive ~~bidding~~ **solicitation**.

2. The documentation for the purchase or acquisition must be summarized for the next regularly scheduled meeting of the governing body, together with written justification showing the savings involved.

Sec. 19. NRS 332.148 is hereby amended to read as follows:

332.148 1. Except as otherwise provided in subsection 2, when a governing body or its authorized representative has advertised for or requested ~~bids~~ **responses** in letting a contract and no responsible ~~bids~~ **responses** are received, the governing body or its authorized representative may let the contract without **a** competitive ~~bidding~~ **solicitation** not less than 7 days after it publishes a notice stating that no ~~bids~~ **responses** were received on the contract and that the contract may be let without **a** further ~~bidding~~ **solicitation**.

2. A governing body or its authorized representative shall entertain any ~~bid~~ **response** which is submitted after it publishes such notice and before the expiration of the waiting period.

Sec. 20. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, ~~all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The~~ **if the governing body or its authorized representative determines that the personal property of the local government is no longer required for public use and deems such action desirable and in the best interests of the local government,** the governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, **by:**

(a) Selling such property at public auction. ~~if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.~~

(b) Donating such property to another governmental entity or nonprofit organization.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State, to the Achievement School District or to a charter school that is located within the school district without regard to:

- (a) The provisions of this chapter; or
- (b) Any statute, regulation, ordinance or resolution that requires:
 - (1) The posting of notice or public advertising.
 - (2) The inviting or receiving of competitive ~~bids~~ **responses**.
 - (3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 21. NRS 332.195 is hereby amended to read as follows:

332.195 1. Except as otherwise provided in this section ~~:-~~

~~—(a) A~~, **a** governing body or its authorized representative ~~and the State of Nevada~~ may ~~join or use the contracts of local governments~~ **enter into a contract pursuant to a solicitation by:**

(a) A governmental entity located within or outside this State with the authorization of the contracting vendor. The originally contracting local government is not liable for the obligations of the governmental entity which ~~joins or uses~~ **enters into a contract in response to the ~~contract~~ solicitation in accordance with this paragraph.**

(b) ~~A governing body or its authorized representative may join or use the contracts of the~~ The State of Nevada or another state with the authorization of the contracting vendor. The State of Nevada or other state is not liable for the obligations of the local government which ~~joins or uses~~ **enters into a contract in response to the ~~contract~~ solicitation in accordance with this paragraph.**

(c) A cooperative purchasing organization. A cooperative purchasing organization is not liable for the obligations of the local government which enters into a contract in response to the solicitation in accordance with this paragraph.

2. A governing body or its authorized representative ~~for the State of Nevada~~ shall not ~~join or use~~ **enter into** a contract pursuant to this section if a contractor's license issued pursuant to chapter 624 of NRS is required for any portion of the work to be performed under the contract.

3. **As used in this section, "cooperative purchasing organization" means an organization that implements a cooperative arrangement to agree to aggregate demand on behalf of public entities for the purpose of obtaining lower prices from certain suppliers to reduce the costs of procurement.**

Sec. 22. NRS 332.201 is hereby amended to read as follows:

332.201 1. The governing body or its authorized representative in a county whose population is 100,000 or more shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the governing body or its authorized representative solicited to submit a ~~bid or proposal~~ **response** to the governing body or its authorized representative for a local purchasing contract;

(b) The number of local emerging small businesses that submitted a ~~bid or proposal~~ **response** to the governing body or its authorized representative for a local purchasing contract;

(c) The number of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses;

(d) The total number of dollars' worth of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses; and

(e) Any other information deemed relevant by the Office.

2. The report required pursuant to subsection 1 must be submitted within 90 days after:

(a) The end of each fiscal year; and

(b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in NRS 231.1402.

(b) "Local purchasing contract" means a contract awarded pursuant to the provisions of this chapter for which the estimated cost is ~~+\$50,000 or less.~~ **not more than \$100,000.** The term does not include a contract for which a procurement card is used.

(c) "Office" means the Office of Economic Development.

(d) "Procurement card" means a charge card issued to a governing body or its authorized representative for the purpose of purchasing goods and services pursuant to the provisions of this chapter.

Sec. 23. NRS 332.810 is hereby amended to read as follows:

332.810 1. Before a contract is awarded, a ~~person who has bid on the contract~~ **responding offeror** or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, an evaluator or member of the governing body offering the contract;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to an evaluator or member of the governing body offering the contract; or

(c) Solicit or obtain from an officer, employee or member of the governing body offering the contract:

- (1) Any proprietary information regarding the contract; or
- (2) Any information regarding a ~~bid on the contract~~ **response to a solicitation** submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not less than \$2,000 nor more than \$50,000, or by both fine and imprisonment.

Sec. 24. NRS 332.820 is hereby amended to read as follows:

332.820 1. Any agreement or collusion among ~~bidders~~ **responding offerors** or prospective ~~bidders~~ **responding offerors** in restraint of freedom of competition by agreement to ~~bid~~ **respond with** a fixed price, or otherwise, shall render the ~~bids~~ **responses** of such ~~bidders~~ **responding offerors** void.

2. Advance disclosures of proprietary information or any other information to any particular ~~bidder~~ **responding offeror** which would give that particular ~~bidder~~ **responding offeror** any advantage over any other interested ~~bidder~~ **responding offeror** in advance of the opening of ~~bids,~~ **responses**, whether in response to advertising or an informal ~~request for bids,~~ **solicitation**, made or permitted by a member of the governing body or an employee or representative thereof, shall operate to void all ~~bids~~ **responses** received in response to that particular ~~request for bids,~~ **solicitation**.

Sec. 25. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator may enter into a contract pursuant to a solicitation for a bid or proposal by:

- (a) **A governmental entity located in this State; or**
- (b) **A governmental entity located outside of this State if the entity uses an open and competitive method of awarding the contract that is substantially similar to the method prescribed by state law.**

2. The provisions of subsection 1 apply regardless of whether the solicitation the Administrator seeks to join is open or completed.

Sec. 26. NRS 333.020 is hereby amended to read as follows:

333.020 As used in this chapter, unless the context otherwise requires:

1. “Administrator” means the Administrator of the Purchasing Division.
2. “Best value” means the greatest possible economy consistent with grades or qualities of supplies, materials, equipment and services that are adapted to the purposes to be served.
3. “Director” means the Director of the Department of Administration.
4. “Invitation to bid” means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.
5. “Proprietary information” means:

(a) Any trade secret or confidential business information that is contained in a bid or proposal submitted on a particular contract; or

(b) Any other trade secret or confidential business information submitted in a bid or proposal and designated as proprietary by the Administrator.

↪ As used in this subsection, “confidential business information” means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost or price submitted in support of a bid or proposal. The term does not include the amount of a bid or proposal.

6. “Purchasing Division” means the Purchasing Division of the Department of Administration.

7. “Purchasing officer” means a person who is authorized by the Administrator or a using agency to ~~participate in~~ **facilitate**:

(a) The evaluation of bids or proposals for a contract;

(b) Any negotiations concerning a contract; or

(c) The development, review or approval of a contract.

8. “Request for proposals” means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.

9. “Trade secret” has the meaning ascribed to it in NRS 600A.030.

10. “Using agencies” means all officers, departments, *divisions*, institutions, boards, commissions and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources. The term does not include the Nevada Rural Housing Authority, the Housing Division of the Department of Business and Industry, local governments as defined in NRS 354.474, conservation districts, irrigation districts and the Nevada System of Higher Education.

11. “Volunteer fire department” means a volunteer fire department which pays premiums for industrial insurance pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

Sec. 27. NRS 333.160 is hereby amended to read as follows:

333.160 The Administrator may decide whether and to what extent the needs of any using agency may be supplied:

1. ~~From stores of commodities on hand;~~

~~2.~~ By transfer of surplus items or stocks from other using agencies;

~~3.~~ By deliveries under contracts;

~~4.~~ By open market purchases through the Administrator; or

~~5.~~ Directly by the using agencies;

↪ but he or she shall have thorough discussions on such matters with authorized representatives of each using agency.

Sec. 28. NRS 333.162 is hereby amended to read as follows:

333.162 1. The Administrator may designate the method of obtaining a contract, including:

- (a) An invitation to bid;
- (b) A request for proposals;
- (c) ***A request for qualifications;***
- (d) ***A request for information;***
- (e) A request for a quotation; or

~~(d)~~ (f) Any other accepted method of purchasing that complies with the provisions of this chapter.

2. The Administrator shall adopt regulations governing the methods of obtaining a contract.

Sec. 29. NRS 333.330 is hereby amended to read as follows:

333.330 1. All bids on more than one item on which bids are called for by the same notice must be itemized and give a price for each item.

2. All bids must:

- (a) Except as otherwise provided in NRS 333.313, be in writing and signed.
- (b) Be sealed or, if the bid is submitted electronically, secured by an electronic equivalent of a seal, as approved by the Purchasing Division.

~~[(c) Be opened and read publicly by the Administrator or a designated agent of the Administrator as they are opened.]~~

Sec. 30. NRS 333.335 is hereby amended to read as follows:

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Administrator of the Purchasing Division, or a committee appointed by the Administrator in accordance with the regulations adopted pursuant to NRS 333.135, if the Administrator is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Administrator of the Purchasing Division determines is necessary to evaluate a proposal. ~~[(The members)]~~ ***If the committee is appointed to evaluate a proposal for the procurement of technology for which the estimated cost is more than \$100,000, the committee must include a person designated by the Chief Information Officer of the State appointed pursuant to NRS 223.085 if the Chief Information Officer determines the inclusion of such a person is necessary to evaluate the proposal.***

3. ***Members*** of ~~the~~ a committee ***appointed pursuant to subsection 1*** are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to

receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal.

~~{3.} 4.~~ In making an award, the chief of the using agency, the Administrator of the Purchasing Division or ~~each member of~~ the committee, if a committee is established, shall consider and assign a score for each ~~of the following factors for determining whether the proposal is in the best interests of the State of Nevada:~~

- ~~—(a) The experience and financial stability of the person submitting the proposal;~~
- ~~—(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;~~
- ~~—(c) The price of the proposal; and~~
- ~~—(d) Any other~~ factor disclosed in the request for proposals.

~~{4.} 5.~~ The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor ~~set forth~~ **disclosed** in ~~subsection 3 before~~ a request for proposals **before the request for proposals** is advertised.

~~{5.} 6.~~ The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the ~~best interests of the State, as determined by~~ the total scores assigned pursuant to subsection ~~{3.} 4~~, and is not required to accept the lowest-priced proposal.

~~{6.} 7.~~ Except as otherwise provided in NRS 239.0115, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

Sec. 31. NRS 333.3363 is hereby amended to read as follows:

333.3363 “Local business” means a business **which certifies** that:

1. ~~Employs at least one person~~ **Its principal place of business is** in this State; ~~and~~ **or**
2. ~~Has employed at least one person in this State for not fewer than 2 years.~~ **The majority of the goods provided for in a state purchasing contract are produced in this State.**

Sec. 32. NRS 333.3366 is hereby amended to read as follows:

333.3366 1. For the purpose of awarding a formal contract solicited pursuant to subsection 2 of NRS 333.300 ~~or awarding a contract for the services of a person as an independent contractor pursuant to subsection 1 of NRS 333.700,~~ if ~~+~~

~~—(a) A~~ a local business owned and operated by a veteran with a service-connected disability submits a bid or proposal for **such** a contract ~~for which the estimated cost is more than \$50,000 but not more than \$250,000~~ and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

~~{(b) A local business owned and operated by a veteran with a service-connected disability which is determined to be 50 percent or more by the United States Department of Veterans Affairs submits a bid or proposal for a~~

~~contract for which the estimated cost is more than \$250,000 but less than \$500,000 and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.]~~

2. The ~~preferences~~ **preference** described in subsection 1 may not be combined with any other preference.

Sec. 33. NRS 333.3367 is hereby amended to read as follows:

333.3367 1. If the Purchasing Division determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for ~~the~~ **the** preference described in NRS 333.3366, the business is thereafter permanently prohibited from:

(a) Applying for or receiving the preference described in NRS 333.3366; and

(b) Bidding on a state purchasing contract.

2. If the Purchasing Division determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for ~~the~~ **the** preference described in NRS 333.3366, the business may apply to the Administrator to review the decision pursuant to chapter 233B of NRS.

Sec. 34. NRS 333.3369 is hereby amended to read as follows:

333.3369 The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 333.3361 to 333.3369, inclusive. The regulations may include, without limitation, provisions setting forth:

1. The method by which a business may apply to receive ~~the~~ **the** preference described in NRS 333.3366;

2. Subject to the provisions of NRS 417.0187, the documentation or other proof that a business must submit to demonstrate that it qualifies for ~~the~~ **the** preference described in NRS 333.3366; and

3. Such other matters as the Purchasing Division deems relevant.

↪ In carrying out the provisions of this section, the Purchasing Division shall, to the extent practicable, cooperate and coordinate with the State Public Works Division of the Department of Administration so that any regulations adopted pursuant to this section and NRS 338.13847 are reasonably consistent.

Sec. 35. NRS 333.337 is hereby amended to read as follows:

333.337 Each person who is authorized pursuant to the provisions of this chapter to enter into any contract on behalf of this state shall ensure that the contract ~~is~~ **is**:

1. **Includes any provision related to insurance that the State Risk Manager determines is necessary;**

2. **Is reduced to writing ~~and signed~~;**

3. **Is signed** by each party to the contract ~~it~~ **it**; **and**

4. **Is approved by the Purchasing Division or the Office of the Attorney General.**

Sec. 36. NRS 333.370 is hereby amended to read as follows:

333.370 1. A person who makes an unsuccessful bid or proposal may file a notice of appeal with the Purchasing Division and with the Hearings Division of the Department of Administration within ~~10~~ **11** days after ~~the~~

~~(a) The~~ **the** date of award as entered on the bid record. ~~;~~ **and**

~~(b) The notice of award has been posted in at least three public buildings, including the location of the using agency.~~

~~↪~~ The notice of appeal must include a written statement ~~of the issues to be addressed on appeal.~~ **specifying any alleged violation of this chapter.**

2. A person filing a notice of appeal must post a bond with good and solvent surety authorized to do business in this state or submit other security, in a form approved by the Administrator by regulation, to the Purchasing Division, who shall hold the bond or other security until a determination is made on the appeal. Except as otherwise provided in subsection 3, a bond posted or other security submitted with a notice of appeal must be in an amount equal to 25 percent of the total value of the successful bid submitted.

3. If the total value of the successful bid cannot be determined because the total requirements for the contract are estimated as of the date of award, a bond posted or other security submitted with a notice of appeal must be in an amount equal to 25 percent of the estimated total value of the contract. Upon request, the Administrator shall provide:

(a) The estimated total value of the contract; or

~~↪~~ (b) The method for determining the estimated total value of the contract, based on records of past experience and estimates of anticipated requirements furnished by the using agency.

4. Within 20 days after receipt of the notice of appeal, a hearing officer of the Hearings Division of the Department of Administration shall hold a contested hearing on the appeal in substantial compliance with the provisions of NRS 233B.121 to 233B.1235, inclusive, 233B.125 and 233B.126.

~~[Notwithstanding the provisions of chapter 233B of NRS, the hearing officer may not order discovery.]~~ The successful bidder must be given notice of the hearing in the same manner as the person who filed the notice of appeal. The successful bidder may participate in the hearing. **Within 60 days after receipt of the notice of appeal, the hearing officer shall make a determination on the appeal.**

5. The hearing officer may **only** cancel the award for lack of compliance with the provisions of this chapter. A cancellation of the award requires ~~re-advertising for bids and~~ a new award in accordance with the provisions of this chapter.

6. A notice of appeal filed in accordance with the provisions of this section operates as a stay of action in relation to any contract until a determination is made by the hearing officer on the appeal.

7. A person who makes an unsuccessful bid or proposal may not seek any type of judicial intervention until the hearing officer has made a determination on the appeal.

8. The Administrator may make as many open market purchases of the commodities or services as are urgently needed to meet the requirements of the Purchasing Division or the using agency until a determination is made on the appeal. With the approval of the Administrator, the using agency may make such purchases for the agency.

9. Neither the State of Nevada, nor any agency, contractor, department, division, employee or officer of the State is liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a person who makes an unsuccessful bid or proposal, whether or not the person files a notice of appeal pursuant to this section.

10. If the appeal is upheld and the award is cancelled, the bond posted or other security submitted with the notice of appeal must be returned to the person who posted the bond or submitted the security. If the appeal is rejected and the award is upheld, a claim may be made against the bond or other security by the Purchasing Division and the using agency to the Hearings Division of the Department of Administration in an amount equal to the expenses incurred and other monetary losses suffered by the Purchasing Division and the using agency because of the unsuccessful appeal. The hearing officer shall hold a hearing on the claim in the same manner as prescribed in subsection 4. Any money not awarded by the hearing officer must be returned to the person who posted the bond or submitted the security.

Sec. 37. NRS 333.390 is hereby amended to read as follows:

333.390 1. Except as otherwise provided in NRS 333.435, the Administrator may authorize ~~{local purchasing by}~~ using agencies ~~{}~~ **to purchase items that are not available directly from an entity with which the Purchasing Division has entered into a contract if such a purchase is made in accordance with the ~~[rules of procedure, of individual orders for items not scheduled for quantity purchasing, not to exceed \$5,000 for each order, except for the repair, replacement and installation of parts for heavy equipment, not to exceed \$15,000 for each order, at no higher prices than specified in the orders authorizing the local purchasing. The Administrator may authorize purchasing at higher prices if perishable articles are involved and to meet other emergency requirements.]~~ *State Administrative Manual created by NRS 232.004, provisions of this chapter and any regulations adopted pursuant thereto.***

2. ~~{The prices of the local purchases must be based on considerations of equal service and economy as compared with those in furnishing the same items of equal quality through the regular purchasing procedure.~~

~~—3—~~ Each authorization must ~~{~~

~~—(a) Be~~ **be** revocable ~~{~~

~~—(b) Specify the limit of spending for individual orders not to exceed \$5,000, except for the repair, replacement and installation of parts referred to in subsection 1.~~

~~—(c) Specify the articles to be purchased.~~

~~—(d) Be operative for not longer than 1 year after the date of issue.~~

~~4.] at the discretion of the Administrator.~~

3. A using agency that receives an authorization shall keep a record of:

- (a) Its accounts and expenditures pursuant to that authority; and
- (b) Evidence indicating that every effort has been made to secure competitive bidding to the extent practicable.

Sec. 38. NRS 333.469 is hereby amended to read as follows:

333.469 ~~[-]~~ Any agency, bureau, commission or officer of the Legislative Department or the Judicial Department of the State Government or the Nevada Wing of the Civil Air Patrol or any squadron thereof may obtain supplies, materials and equipment on a voluntary basis through the facilities of the Purchasing Division.

~~[-] From time to time the Administrator shall issue bulletins to all of such agencies, bureaus, commissions and officers indicating the supplies, materials and equipment available and the prices thereof.~~

Sec. 39. NRS 333.470 is hereby amended to read as follows:

333.470 ~~[-]~~ The Nevada System of Higher Education, local governments as defined in NRS 354.474, conservation districts and irrigation districts in the State of Nevada may obtain supplies, materials and equipment on a voluntary basis through the facilities of the Purchasing Division.

~~[-] The Administrator shall issue bulletins from time to time to:~~

- ~~[-] (a) Each state agency;~~
- ~~[-] (b) Each local governmental agency;~~
- ~~[-] (c) Each irrigation district;~~
- ~~[-] (d) Each conservation district; and~~
- ~~[-] (e) The Nevada System of Higher Education;~~

~~[-] indicating the supplies, materials and equipment available and the prices thereof.~~

~~[-] 3. The specifications for all bids for supplies, materials or equipment to be furnished pursuant to the provisions of subsection 1 must be so written that all suppliers of the market in the industry or business concerned are given an opportunity to bid pursuant to notice as provided for in this chapter.~~

Sec. 40. NRS 333.480 is hereby amended to read as follows:

333.480 1. Except as otherwise provided in subsection 2, the Administrator may purchase or acquire on behalf of the State of Nevada, and all officers, departments, institutions, boards, commissions, schools and other agencies in the Executive Department of the State Government, volunteer fire departments, local governments as defined in NRS 354.474, conservation districts or irrigation districts of the State of Nevada, any supplies, materials or equipment of any kind required or deemed advisable for the state officers, departments, institutions, boards, commissions, schools, volunteer fire departments and other agencies or local governments as defined in NRS 354.474, conservation districts or irrigation districts that may be available pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another ~~governmental~~ **federal**

agency dealing in supplies, materials, equipment or donable surplus material if:

(a) The prices for the supplies, materials or equipment negotiated in the agreement that the Administrator enters into with the vendor are substantially similar to the prices for those supplies, materials or equipment that the vendor had negotiated with the General Services Administration or other ~~governmental~~ **federal** agency; and

(b) The Administrator determines that such an agreement would be in the best interests of the State.

2. The Administrator shall not enter into an agreement pursuant to subsection 1 if a contractor's license issued pursuant to chapter 624 of NRS is required for any portion of the agreement.

Sec. 41. NRS 205.4737 is hereby amended to read as follows:

205.4737 1. "Computer contaminant" means any data, information, image, program, signal or sound that is designed or has the capability to:

(a) Contaminate, corrupt, consume, damage, destroy, disrupt, modify, record or transmit; or

(b) Cause to be contaminated, corrupted, consumed, damaged, destroyed, disrupted, modified, recorded or transmitted,

↳ any other data, information, image, program, signal or sound contained in a computer, system or network without the knowledge or consent of the person who owns the other data, information, image, program, signal or sound or the computer, system or network.

2. The term includes, without limitation:

(a) A virus, worm or Trojan horse;

(b) Spyware that tracks computer activity and is capable of recording and transmitting such information to third parties; or

(c) Any other similar data, information, image, program, signal or sound that is designed or has the capability to prevent, impede, delay or disrupt the normal operation or use of any component, device, equipment, system or network.

3. As used in this section:

(a) "On-line ~~bidding~~ **solicitation**" has the meaning ascribed to it in NRS ~~332.047~~ **332.025**.

(b) "Spyware" does not include:

(1) An Internet browser;

(2) Software for transmitting messages instantly that informs the user whether other users are on-line at the same time;

(3) Software that is designed to detect or prevent the use of computer contaminants;

(4) Software that is designed to detect fraudulent on-line ~~bidding~~ **solicitation**;

(5) Software that is designed to prevent children from accessing pornography on the Internet;

(6) Software that conducts remote maintenance or repair of a computer or its systems;

(7) Software that is designed to manage or to perform maintenance on a network of computers;

(8) Software for media players; and

(9) Software that authenticates a user.

Sec. 42. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the Commission to Study Governmental Purchasing created by NRS 332.215 may request the drafting of not more than 2 legislative measures which relate to matters within the scope of the Commission. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 43. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, **and section 42 of this act** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, **and section 42 of this act** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, **and section 42 of this act** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 44. NRS 281A.430 is hereby amended to read as follows:

281A.430 1. Except as otherwise provided in this section and NRS 218A.970 and 332.800, a public officer or employee shall not bid on or enter into a contract between an agency and any business entity in which the public officer or employee has a significant pecuniary interest.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by such board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with an agency, except the board, commission or body on which he or she is a member, if the member has not taken part in developing the contract

plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with an agency, or may benefit financially or otherwise from a contract between an agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. Except as otherwise provided in subsection 2, 3 or 5, a public officer or employee may bid on or enter into a contract with an agency if:

(a) The contracting process is controlled by the rules of open competitive bidding or the rules of open competitive bidding *or for a solicitation* are not employed as a result of the applicability of NRS 332.112 or 332.148;

(b) The sources of supply are limited;

(c) The public officer or employee has not taken part in developing the contract plans or specifications; and

(d) The public officer or employee will not be personally involved in opening, considering or accepting offers.

➔ If a public officer who is authorized to bid on or enter into a contract with an agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose the public officer's interest in the contract and shall not vote on or advocate the approval of the contract.

5. A member of a local legislative body shall not, either individually or through any business entity in which the member has a significant pecuniary interest, sell goods or services to the local agency governed by his or her local legislative body unless:

(a) The member, or the business entity in which the member has a significant pecuniary interest, offers the sole source of supply of the goods or services within the territorial jurisdiction of the local agency governed by his or her local legislative body;

(b) The local legislative body includes in the public notice and agenda for the meeting at which it will consider the purchase of such goods or services a clear and conspicuous statement that it is considering purchasing such goods or services from one of its members, or from a business entity in which the member has a significant pecuniary interest;

(c) At the meeting, the member discloses his or her significant pecuniary interest in the purchase of such goods or services and does not vote upon or advocate the approval of the matter pursuant to the requirements of NRS 281A.420; and

(d) The local legislative body approves the purchase of such goods or services in accordance with all other applicable provisions of law.

6. The Commission may relieve a public officer or employee from the strict application of the provisions of this section if:

(a) The public officer or employee files a request for an advisory opinion from the Commission pursuant to NRS 281A.675; and

(b) The Commission determines that such relief is not contrary to:

- (1) The best interests of the public;
- (2) The continued ethical integrity of each agency affected by the matter;

and

- (3) The provisions of this chapter.

7. For the purposes of subsection 6, the request for an advisory opinion, the advisory opinion and all meetings, hearings and proceedings of the Commission in such a matter are governed by the provisions of NRS 281A.670 to 281A.690, inclusive.

Sec. 45. Section 10.2 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, as last amended by chapter 409, Statutes of Nevada 2001, at page 2005 is hereby amended to read as follows:

Sec. 10.2. 1. The Authority may enter into any concession agreement if the Board or its authorized representative reviews the agreement and determines it is in the best interest of the Authority. In making that determination, the Board or its authorized representative shall consider whether the proposed fees to be paid to the Authority for the privileges granted are conducive to revenue generation and providing high quality service to the traveling public.

2. Before entering into any concession agreement providing estimated revenue to the Authority of more than \$25,000, the Authority must:

(a) Comply with the ~~bidding~~ **solicitation** requirements of the Local Government Purchasing Act except the provisions of subsection 3 of NRS 332.105; or

(b) Publish notice of its intention to enter the agreement in a newspaper of general circulation in the County at least three times during a period of 10 days. The notice must specify the date, time and place of a regular meeting of the Authority to be held after completion of the publication at which any interested person may appear.

3. The Board may authorize the Executive Director of the Authority to enter into any concession agreement on behalf of the Authority if the agreement provides estimated revenue to the Authority of \$25,000 or less.

Such an agreement is not subject to the provisions of subsection 2.

Sec. 46. NRS 332.039 and 332.085 are hereby repealed.

Sec. 47. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTIONS

332.039 Advertisements or requests for bid on contract.

1. Except as otherwise provided by specific statute:

(a) A governing body or its authorized representative shall advertise all contracts for which the estimated annual amount required to perform the contract exceeds \$50,000.

(b) A governing body or its authorized representative may enter into a contract of any nature without advertising if the estimated annual amount required to perform the contract is \$50,000 or less.

(c) If the estimated annual amount required to perform the contract is more than \$25,000 but not more than \$50,000, requests for bids must be submitted or caused to be submitted by the governing body or its authorized representative to two or more persons capable of performing the contract, if available. The governing body or its authorized representative shall maintain a record of all requests for bids and all bids received for the contract for at least 7 years after the date of execution of the contract.

2. This section does not prohibit a governing body or its authorized representative from advertising for or requesting bids regardless of the estimated annual amount required to perform the contract.

332.085 Determination of bidder's responsibility. In determining the responsibility of any bidder, the governing body or its authorized representative:

1. Shall consider the possession of and limit on any required license of the bidder; and

2. May consider the:

- (a) Financial responsibility of the bidder;
- (b) Experience of the bidder;
- (c) Adequacy of the equipment of the bidder;
- (d) Past performance of the bidder;
- (e) Performance or delivery date; and
- (f) Ability of the bidder to perform the contract.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 216.

Bill read third time.

The following amendment was proposed by Assemblywoman Tolles:

Amendment No. 627.

SUMMARY—Requires the establishment of a database of information relating to funding opportunities for higher education ~~and 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.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 406.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 559.

AN ACT relating to the Airport Authority of Carson City; revising provisions relating to the appointment of members of the Board of Trustees of the Authority; revising the powers of the Board; revising provisions governing procedures concerning employment; removing an obsolete transitory provision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Airport Authority of Carson City was created by law in 1989 and has been in operation since January 1, 1990. (Chapter 844, Statutes of Nevada 1989, p. 2025) The Authority is governed by the Board of Trustees of the Authority which is composed of seven members appointed to 4-year terms by the Board of Supervisors of Carson City. Under existing law, each member of the Board of Trustees, except the member who is a city official, is not eligible to serve consecutive terms. (Airport Authority Act for Carson City § 4) **Section 1** of this bill authorizes such a member to serve not more than two consecutive terms and allows reappointment after a lapse of 4 years. **Section 5** of this bill clarifies the continued staggering of the 4-year terms after the initial appointments.

Section 2 of this bill adds statutory references to certain specified provisions of the Nevada Revised Statutes with which the Board of Trustees is required to comply. (Airport Authority Act for Carson City § 8)

Existing law authorizes the Board of Trustees to acquire real and personal property by gift or devise without the approval of the Board of Supervisors, but requires the Board of Trustees to obtain the approval of the Board of Supervisors to acquire real and personal property by purchase or lease and to lease ~~real~~, **sell or otherwise dispose of** property that it has acquired. (Airport Authority Act for Carson City § 9) **Section 3** of this bill removes the requirement that the Board of Trustees obtain the approval of the Board of Supervisors to acquire **: (1)** real property by lease ~~[-, to acquire]~~ **; or (2)** personal property by purchase or lease ~~[-, and to lease real property that it has acquired]~~. Additionally, **section 3** eliminates the requirement that the Board of Trustees obtain the approval of the Board of Supervisors for any contract between the Board of Trustees and a fixed base operator at the airport. **Section**

3 also removes the authority of the Board of Trustees to provide emergency services for the Authority. Finally, **section 3** clarifies the types of agreements into which the Board of Trustees and the Board of Supervisors may enter.

Existing law prescribes specific requirements that any procedures adopted by the Board relating to the hiring, promoting and discharging of employees of the Authority must include. (Airport Authority Act for Carson City § 24) **Section 4** of this bill eliminates those specific requirements, thereby giving the Board the authority to determine the contents of those procedures.

Existing law required the District Attorney of Carson City to defend the Authority if any action contesting any provisions of the Airport Authority Act or the legal status of the Authority was brought before the Authority had sufficient money to hire legal counsel. (Airport Authority Act for Carson City § 28) **Section 6** of this bill removes this obsolete transitory provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 4 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as last amended by chapter 16, Statutes of Nevada 2011, at page 30, is hereby amended to read as follows:

Sec. 4. 1. The Authority is governed by the Board, which is composed of seven members appointed by the Board of Supervisors.

2. The Board of Supervisors shall appoint:

(a) Three members who represent the general public, but, except as otherwise provided in paragraph (b), not including any person described in paragraph (b) or (c). At least one of these members must be a city official selected by the Board of Supervisors and one must be a pilot who, at the time of appointment, owns and operates an aircraft based at the airport.

(b) Two members who are manufacturers and are within a 3-mile radius of the Carson City airport, but not including any person described in paragraph (c). If, after providing notice of a vacancy for the position of a member of the Board described in this paragraph, the Board of Supervisors is unable to find a qualified manufacturer to fill a position, the Board of Supervisors may appoint a member pursuant to this paragraph who represents the general public.

(c) Two members who are fixed base operators at the airport.

3. After the initial terms, the term of office of each member of the Board is 4 years. The city official who is appointed as a member of the Board is eligible for reappointment to the Board upon the expiration of his or her term. Each other member of the Board ~~is eligible for reappointment to the Board 4 years after the expiration of his or her prior term.~~ *may not serve more than two consecutive terms, but may be reappointed after the lapse of 4 years.*

Sec. 2. Section 8 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 374, Statutes of Nevada 2001, at page 1829, is hereby amended to read as follows:

Sec. 8. The Board shall comply , ***without limitation***, with the provisions of ~~the~~ :

1. ***Chapter 241 of NRS, concerning public meetings;***
2. ***Chapter 281A of NRS, the Nevada Ethics in Government Law*** ~~†~~ ***NRS 241.020, the*** ~~†~~;
3. ***Chapter 332 of NRS, the Local Government Purchasing Act*** ; and
4. ***NRS 354.470 to 354.626, inclusive, the Local Government Budget and Finance Act.***

Sec. 3. Section 9 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, as amended by chapter 381, Statutes of Nevada 2005, at page 1471, is hereby amended to read as follows:

Sec. 9. The Board may:

1. Acquire ~~real~~ :
 - (a) ***Real*** and personal property by ***lease***, gift or devise for the purposes provided in this act.
 - (b) ***Personal property by purchase for the purposes provided in this act.***
2. With the approval of the Board of Supervisors:
 - (a) Acquire real ~~and personal~~ property by purchase ~~or lease~~ for the purposes provided in this act.
 - (b) Except as otherwise provided in this paragraph, lease, sell ~~†Sell~~ or otherwise dispose of any ~~real~~ property . If the Board sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.
3. ~~***Lease to any person real property acquired by the Board pursuant to subsection 1 or 2.***~~
 - ~~***4.***~~ Recommend to the Board of Supervisors any ***specific*** changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.
 - ~~***5.***~~ ***Enter into an agreement regarding the sharing of resources, including, without limitation, the officers, employees, real property, facilities and equipment of Carson City, ~~with the consent of Carson City and~~ obligations and other matters regarding the Airport, subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.***
 - ~~***6.***~~ ***Contract with any person ~~including any person who transports passengers or cargo by air,~~ to provide goods and services as necessary or desirable to the operation of the airport. ~~Any contract between the Board~~***

and a fixed base operator must be submitted for approval by the Board of Supervisors.

~~7.~~ **6.** Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

~~8.~~ **7.** Apply to any public or private source for loans, grants, guarantees or other financial assistance.

~~9.~~ **8.** Establish fees, rates and other charges for the use of the airport.

~~10.~~ **9.** Regulate vehicular traffic at the airport.

~~11.~~ **10.** Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.

~~12.~~ **11.** Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.

Sec. 4. Section 24 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2030, is hereby amended to read as follows:

Sec. 24. **1.** The Board may adopt procedures, to be administered by the Board, for hiring, promoting and discharging its employees ~~}, which must include but are not limited to the following:~~

~~—1. Employment on the basis of open, publicly announced, competition.~~

~~—2. Promotions and remuneration on the basis of merit, efficiency, competitive examinations and seniority.~~

~~—3. Classifications of the positions.~~

~~—4. The maintenance of lists of eligible candidates for a position.~~

~~—5. Employment of candidates from the lists in the highest qualified rating.~~

~~—6. Probationary periods not to exceed 6 months.~~

~~—7. Disciplinary action, suspension or discharge of employees for cause only with the right of notice and review.~~

~~—8. Schedules of compensation and increases in pay prepared by the Board.~~

~~—9. Maintenance of personnel records on all employees.~~

~~—10. Regulations for hours of work, attendance, holidays, leaves of absence and transfers.~~

~~—11. Procedures for layoffs, discharge, suspension, discipline and reinstatement.~~

~~—12. The exemption from the procedures of persons employed for scientific, technical or expert service of a temporary or exceptional character, persons employed on projects paid from the proceeds of bonds issued by the Authority and persons employed for a period of less than 3 months in any 12-month period.~~

~~—13. Review by} and taking any other actions relating to employment.~~

2. *An employee may request* the Board ~~}, at the request of the employee in question and after notice and public hearing, of} to review~~

any disciplinary action, suspension or discharge of ~~any~~ *the* employee .
~~[- which]~~ ***After notice and hearing, such disciplinary action, suspension or discharge*** may be affirmed, modified or reversed by the Board. Findings of fact by the Board are not subject to review by any court except for illegality or want of jurisdiction.

Sec. 5. Section 29 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby amended to read as follows:

Sec. 29. As soon as practicable after October 1, 1989, the Board of Supervisors shall appoint to the Board:

1. Two persons to terms that expire on October 1, 1991 ~~[-]~~, ***and on October 1 every 4 years thereafter.***
2. Two persons to terms that expire on October 1, 1992 ~~[-]~~, ***and on October 1 every 4 years thereafter.***
3. Three persons to terms that expire on October 1, 1993 ~~[-]~~, ***and on October 1 every 4 years thereafter.***

Sec. 6. Section 28 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby repealed.

TEXT OF REPEALED SECTION

Section 28 of chapter 844, Statutes of Nevada 1989:

Sec. 28. If any action is brought to have this act or any of its provisions declared invalid or to contest the legal status of the Authority, before the Authority has received money sufficient to employ an attorney, the District Attorney of Carson City shall defend the action on behalf of the Authority.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 355.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 590.

AN ACT relating to employment; requiring certain grocery employers to hire and retain certain grocery workers for a certain period of time upon a change in control of such grocery stores; requiring certain grocery stores to post public notice of a change in control of the grocery store; ~~[- providing that certain grocery employees have a cause of action for recovery if certain grocery employers violate the provisions of this act.]~~ **requiring certain grocery stores to provide written notice of a change in control of the grocery store to certain grocery workers;** providing that certain groups are exempt from the provisions of this act in certain situations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 10 of this bill requires, upon a change in control of a grocery store, that the incumbent grocery employer prepare a list of eligible grocery workers.

Section 10 further requires the successor grocery employer to **extend offers of employment and, if such offers are accepted by eligible grocery workers,** hire eligible grocery workers from this list during a ~~90-day~~ **60-day** transition period. **Section 11** of this bill requires the successor grocery employer to retain those eligible grocery workers for a ~~90-day~~ **60-day** period, during which time an employee may only be discharged for cause. **Section 11** further requires, upon the close of this ~~90-day~~ **60-day** period, the successor grocery employer to consider offering continued employment to the eligible grocery workers retained for the ~~90-day~~ **60-day** period.

Section 12 of this bill requires an incumbent grocery employer to post public notice of the change in control at the location of the affected grocery store within 5 business days after the execution of the transfer document for the change in control. **Section 12 additionally requires an incumbent grocery employer to provide written notice of the change in control to all eligible grocery workers within 10 business days after the execution of the transfer document.** **Section 12** requires such ~~to notice~~ **notices** to satisfy certain requirements.

~~Section 13 of this bill provides that an eligible grocery worker shall have a cause of action for recovery against an incumbent or successor grocery employer for a violation of this bill. Section 13 further specifies the award an eligible grocery worker may recover under such a cause of action.~~

Section 14 of this bill provides that the provisions of this bill may be superseded by a collective bargaining agreement. **Section 15** of this bill exempts a grocery store located in a food desert from the provisions of this bill.

Section 16 of this bill clarifies that the provisions of this bill do not limit the right of an eligible grocery worker to bring legal action for ~~wrongful termination~~ **breach of contract**. **Section 17** of this bill provides that the provisions of this bill do not preempt any ordinance adopted or implemented by any local government that provides equal or greater protection to eligible grocery workers.

WHEREAS, Supermarkets and other grocery retailers are the primary points of distribution for food and other daily necessities for the residents of Nevada and are therefore essential to the vitality of every Nevada community; and

WHEREAS, This State has a compelling interest in ensuring the welfare of the residents of its communities through the maintenance of health and safety standards in grocery stores; and

WHEREAS, Experienced grocery retail workers with knowledge of proper sanitation procedures, health regulations and laws, and an experience-based understanding of the clientele and communities in which the grocery store is located are essential in furthering this interest and the State's investments in health and safety; and

WHEREAS, A transitional retention period for grocery retail workers upon change of ownership, control or operation of grocery stores ensures stability

throughout this State for these vital workers, which, in turn, results in the preservation of health and safety standards; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. 1. *“Change in control” means any sale, assignment, transfer, contribution or other disposition of all or substantially all of the assets or a controlling interest of:*

- (a) The incumbent grocery employer;*
- (b) Any person who controls the incumbent grocery employer; or*
- (c) Any grocery store under the operation or control of:*
 - (1) The incumbent grocery employer; or*
 - (2) Any person who controls the incumbent grocery employer.*

2. *The term includes, without limitation, any sale, assignment, transfer, contribution or other disposition of all or substantially all of the assets or a controlling interest by consolidation, merger or reorganization.*

Sec. 4. 1. *“Eligible grocery worker” means any natural person:*

- (a) Whose primary place of employment is at the grocery store subject to a change in control; and*
- (b) Who has worked for the incumbent grocery employer for at least 6 months before the execution of the transfer document.*

2. *The term does not include a managerial, supervisory or confidential employee.*

Sec. 5. *“Employment commencement date” means the date on which an eligible grocery worker retained by the successor grocery employer pursuant to sections 2 to 17, inclusive, of this act commences work for the successor grocery employer in exchange for benefits and compensation under the terms and conditions established by the successor grocery employer and as required by law.*

Sec. 6. *“Grocery store” means a retail store in this State that:*

- 1. Is more than 15,000 square feet in size; and*
- 2. Sells primarily household foodstuffs for off-site consumption, including, without limitation, the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods or prepared foods. Other household supplies or other products are secondary to the primary purpose of selling foodstuffs for off-site consumption.*

Sec. 7. *“Incumbent grocery employer” means the person that owns, controls or operates a grocery store before a change in control of the grocery store.*

Sec. 8. "Successor grocery employer" means the person that owns, controls or operates a grocery store ~~after~~ within 3 months of the change in control of the grocery store.

Sec. 9. "Transfer document" means the purchase agreement or other document effecting the change in control of a grocery store.

Sec. 10. 1. An incumbent grocery employer shall, within 15 days after the execution of a transfer document, provide to the successor grocery employer the name, address, date of hire and employment occupation classification of each eligible grocery worker.

2. The successor grocery employer shall:

(a) Maintain a preferential hiring list of eligible grocery workers who have been identified by the incumbent grocery employer pursuant to subsection 1; and

(b) ~~Hire~~ Extend offers of employment and, if such offers are accepted by eligible grocery workers, hire eligible grocery workers from that list for a period beginning upon the execution of the transfer document and continuing for ~~90~~ 60 days after the grocery store is fully operational and open to the public under the successor grocery employer.

3. If the successor grocery employer extends an offer of employment to an eligible grocery worker pursuant to sections 2 to 17, inclusive, of this act, the successor grocery employer shall retain written verification of that offer for at least ~~2 years~~ 1 year after the date of the offer. The verification must include the name, address, date of hire and employment occupation classification of each eligible grocery worker to whom an offer of employment was extended.

Sec. 11. 1. A successor grocery employer shall retain each eligible grocery worker hired pursuant to sections 2 to 17, inclusive, of this act for at least ~~90~~ 60 days after the employment commencement date of the eligible grocery worker. During this ~~90-day~~ 60-day transition employment period, eligible grocery workers who are retained must be employed ~~+~~

~~(a) Under~~ under the terms and conditions established by the successor grocery employer. ~~+~~

~~(b) Pursuant to the terms of a relevant collective bargaining agreement, if any.~~

2. If, within the period established in paragraph (b) of subsection 2 of section 10 of this act, the successor grocery employer determines that it requires fewer eligible grocery workers than were required by the incumbent grocery employer, the successor grocery employer shall retain eligible grocery workers by seniority within each job classification to the extent that comparable job classifications exist for pursuant to the terms of a relevant collective bargaining agreement, if any. The successor grocery employer shall retain nonclassified eligible grocery workers ~~+~~

~~(a) By~~ by seniority and according to experience. ~~+~~

~~(b) Pursuant to the terms of a relevant collective bargaining agreement, if any.~~

3. ~~During the 90-day~~ 60-day transition employment period established pursuant to subsection 1, the successor grocery employer shall not discharge without cause an eligible grocery worker retained pursuant to sections 2 to 17, inclusive, of this act.

4. At the end of the ~~90-day~~ 60-day transition employment period established pursuant to subsection 1, the successor grocery employer shall make a written performance evaluation for each eligible grocery worker retained pursuant to sections 2 to 17, inclusive, of this act. If the performance of the eligible grocery worker during the ~~90-day~~ 60-day transition employment period is satisfactory, the successor grocery employer shall consider offering the eligible grocery worker continued employment under the terms and conditions established by the successor grocery employer and as required by law. The successor grocery employer shall retain a record of the written performance evaluation for at least ~~3 years~~ 1 year.

Sec. 12. 1. The incumbent grocery employer shall post public notice of the change in control at the location of the affected grocery store within 5 business days after the execution of the transfer document. Notice must remain posted during any closure of the grocery store and until the grocery store is fully operational and open to the public under the control of the successor grocery employer.

2. The notice required pursuant to subsection 1 must include, without limitation:

(a) The name and contact information of the incumbent grocery employer;

(b) The name and contact information of the successor grocery employer; and

(c) The effective date of the change in control.

3. The incumbent grocery employer shall post the notice required pursuant to subsection 1 in a conspicuous place at the grocery store in a manner to be readily viewed by:

(a) Eligible grocery workers and other employees;

(b) Customers; and

(c) Members of the public.

4. The incumbent grocery employer shall provide written notice of the change in control to all eligible grocery workers within 10 business days after the execution of the transfer document. Such notice must include, without limitation, the information required pursuant to subsection 2.

Sec. 13. ~~1. An eligible grocery worker shall have a cause of action for recovery against the incumbent grocery employer or the successor grocery employer for a violation of any provision of sections 2 to 17, inclusive, of this act and may recover any of the following:~~

~~(a) Hiring and reinstatement rights pursuant to sections 2 to 17, inclusive, of this act. The 90-day transition employment period established pursuant to~~

~~section 11 of this act must not commence until the employment commencement date of the eligible grocery worker.~~

~~(b) Front pay or back pay for each day during which the violation continues. Such front pay or back pay must be calculated at a rate of compensation not less than the higher of:~~

~~(1) The average regular rate of pay that the eligible grocery worker received during the last 3 years of the eligible grocery worker's employment in the same employment occupation classification; or~~

~~(2) The most recent regular rate of pay received by the eligible grocery worker while employed by either the incumbent grocery employer or the successor grocery employer.~~

~~(c) The value of the benefits the eligible grocery worker would have received under the benefit plan of the successor grocery employer.~~

~~2. If an eligible grocery worker brings an action pursuant to this section and is the prevailing party, the court shall award costs and reasonable attorney's fees in favor of the eligible grocery worker.] (Deleted by amendment.)~~

Sec. 14. Parties that are subject to sections 2 to 17, inclusive, of this act may, by a collective bargaining agreement, provide that the agreement supersedes the requirements of sections 2 to 17, inclusive, of this act.

Sec. 15. Sections 2 to 17, inclusive, of this act do not apply to any grocery store that is located in or will be located in a geographic area designated by the United States Department of Agriculture as a food desert, based on the original food desert measure contained in the Food Access Research Atlas, provided that the following apply:

1. More than 6 years have elapsed since the most recent grocery store was located in the area designated as a food desert; and

2. The grocery store stocks and, during normal business hours, sells fresh fruit and vegetables in amounts and of a quality that is comparable to what the grocery store sells in its three geographically closest grocery stores which are located outside of the food desert.

Sec. 16. Sections 2 to 17, inclusive, of this act shall not be construed to limit the right of an eligible grocery worker to bring legal action for ~~wrongful termination.] breach of contract.~~

Sec. 17. Sections 2 to 17, inclusive, of this act do not preempt any ordinance adopted or implemented by any local government that provides equal or greater protection to eligible grocery workers.

Sec. 18. 1. The provisions of this act apply only to agreements effectuated by a transfer document executed on or after July 1, 2019.

2. As used in this section, "transfer document" has the meaning ascribed to it in section 9 of this act.

Sec. 19. This act becomes effective on July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read third time.

The following amendment was proposed by Assemblywoman Hansen:

Amendment No. 585.

AN ACT relating to mental health; requiring the model plan for the management of a crisis, emergency or suicide involving a school to include a plan for responding to a pupil with a mental illness; clarifying that consent from any parent or legal guardian of a person is not necessary for the emergency admission of that person; requiring a person who applies for the emergency admission of a child to attempt to obtain the consent of a parent or guardian of the child; requiring the notification of a parent or guardian of a child of the emergency admission of the child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. (NRS 388.253) Existing law requires the development of a plan to be used by all public schools in a school district or a charter school in responding to a crisis or emergency, which must include the plans, procedures and information included in the model plan developed by the Department. (NRS 388.243) Existing law authorizes the emergency admission of a person who is determined to present a clear and present danger of harm to himself, herself or others as a result of mental illness to a public or private mental health facility or hospital for evaluation, observation and treatment. (NRS 433A.150) Existing law authorizes certain persons to make an application for such an emergency admission, including an officer authorized to make arrests in this State. (NRS 433A.160) **Section 1** of this bill requires the model plan to include a plan for responding to a pupil who is determined to present a clear and present danger of harm to himself or herself or others as a result of mental illness, including: (1) utilizing mobile mental health crisis response units, where available; and (2) transporting the pupil to a mental health facility or hospital for admission. **Section 2** of this bill clarifies that such a facility or hospital may accept for emergency admission any person for whom a proper application for emergency admission has been made, regardless of whether any parent or legal guardian of the person has consented to such admission. **Section 2.2** of this bill requires a person, other than a parent or guardian, who applies for the emergency admission of a person who is less than 18 years of age to attempt to obtain the consent of a parent or guardian to make the application when practicable. **Section 2.5** of this bill requires a mental health facility or hospital to notify a parent or guardian within 24 hours of the emergency admission of a person who is less than 18 years of

age. ~~[Section 3 of this bill clarifies that a school police officer can also make an application for the involuntary court ordered admission of a person to a mental health facility or to a program of community-based or outpatient services.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of:

(a) A suicide; or

(b) A crisis or emergency that involves a public school or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) In response to a crisis or emergency:

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(2) Accounting for all persons within a school;

(3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(6) Reunifying a pupil with his or her parent or legal guardian;

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

(9) Carrying out a lockdown at a school; and

(10) Providing shelter in specific areas of a school;

(b) Providing specific information relating to managing a crisis or emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An outbreak of disease;

(5) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(6) Any other situation, threat or hazard deemed appropriate;

(c) Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide; ~~and~~

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school ~~+~~; *and*

(e) Responding to a pupil who is determined to be a person with mental illness, as defined in NRS 433A.115, including, without limitation:

(1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and

(2) Transporting the pupil to a public or private mental health facility or hospital for admission pursuant to NRS 433A.150.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 2. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. ~~Any~~ ***Except as otherwise provided in this subsection, a*** person alleged to be a person with mental illness 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 ~~†~~, ***regardless of whether any parent or legal guardian of the person has consented to the admission.***

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, 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. 2.2. 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 mental illness 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 mental illness 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 mental illness 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) 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, 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.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness 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 or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental illness 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.

2. An application for the emergency admission of a person alleged to be a person with mental illness 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 mental illness 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 mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. ***To the extent practicable, a person who applies for the emergency admission of a person who is less than 18 years of age to a public or private mental health facility or hospital, other than a parent or guardian, shall attempt to obtain the consent of the parent or guardian before making the application.***

5. 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.

~~§~~ 6. As used in this section, “an accredited agent of the Department” means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 2.5. NRS 433A.190 is hereby amended to read as follows:

433A.190 Within 24 hours of a person's admission under emergency admission, the administrative officer of a public or private mental health facility shall give notice of such admission in person, by telephone or facsimile and by certified mail to the spouse or legal guardian *of that person or, if the person is less than 18 years of age, the parent or legal guardian* of that person.

Sec. 3. ~~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 [.] , **including, without limitation, a school police officer.** 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, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded 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 or if not required to participate in a program of community based or outpatient services; 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 mental illness, 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 or if not required to participate in a program of community based or outpatient services; and~~

~~(2) The person alleged to be a person with mental illness 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. (Deleted by amendment.)~~

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Hansen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 18, 23, 117, 152, 153, 166, 175, 192, 248, 270, 272, 336, 363, 423, and 492 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Carlton moved that upon return from the printer, Assembly Bill No. 216 rereferred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 381.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Tami Schenk and Janelle Schenk.

On request of Assemblywoman Martinez, the privilege of the floor of the Assembly Chamber for this day was extended to Adriana Martinez and Victoria Pineiro.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Deputy Director Jessie Chin and Director General Joseph Ma.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, April 23, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 10:17 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly