

**THE SEVENTY-NINTH DAY**

---

CARSON CITY (Tuesday), April 23, 2019

Assembly called to order at 3:22 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.

samani va akutih

samana hridayani vah

samanam astu vo mano

yatha vah susahasti.

United your resolve, united your hearts, may your spirits be at one, that you may long together dwell, in unity and concord.

niyatam kuru karma tvam karma jyayo hyakarmanah

sarirayatrapi ca te na prasiddhyedakarmanah.

yajnarthatkarmamo'nyatra loko'yam karmabandhanah

tadartham karma kaunteya muktasangah samacara.

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit.

ya te tanur vaci pratisthita ya srotre ya ca caksusi

ya ca manasi santata sivam tam kuru motkramih.

Be kind to us with your invisible form, which dwells in the voice, the eye, and the ear, and pervades the mind. Abandon us not.

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.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 77, 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 Health and Human Services, to which was referred Assembly Bill No. 66, 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 was referred Assembly Bill No. 421, 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. 345, 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*

## 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 passed Senate Bill No. 354.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 7, 37, 41, 46, 57, 148, 166, 177, 185, 224, 230, 251, 276, 302, 327, 347, 403, 431, 433, 441, 452, 456, 461, 480, 496.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

## NOTICE OF EXEMPTION

April 23, 2019

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, Senate Bill No. 99 is not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

RICHARD S. COMBS  
*Director*

April 23, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 493.

MARK KRMPOTIC  
*Fiscal Analysis Division*

Assemblywoman Benitez-Thompson moved that all rules be suspended, reading so far had considered first or second reading, as appropriate, and all measures reported out of committee without second reading be declared

emergency measures under the constitution and placed on General File and third reading.

Motion carried.

Assemblywoman Benitez-Thompson moved that all bills reported out of committee with amendment be placed at the top of the General File and third reading.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly withdraw Assembly Bills Nos. 81 and 242 from the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 76 and 129 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 344 and 376 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 30, 60, 70, 86, 275, and 346 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 259 and 369 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Concurrent Resolutions Nos. 4, 6, and 7 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

Assemblywoman Benitez-Thompson moved to dispense with reprinting of all measures for this legislative day.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 7.

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

Motion carried.

Senate Bill No. 37.

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

Motion carried.

Senate Bill No. 41.

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

Motion carried.

Senate Bill No. 46.

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

Motion carried.

Senate Bill No. 57.

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

Motion carried.

Senate Bill No. 148.

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

Motion carried.

Senate Bill No. 166.

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

Motion carried.

Senate Bill No. 177.

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

Motion carried.

Senate Bill No. 185.

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

Motion carried.

Senate Bill No. 224.

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

Motion carried.

Senate Bill No. 230.

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

Motion carried.

Senate Bill No. 251.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 276.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 302.

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

Motion carried.

Senate Bill No. 327.

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

Motion carried.

Senate Bill No. 347.

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

Motion carried.

Senate Bill No. 354.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 403.

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

Motion carried.

Senate Bill No. 431.

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

Motion carried.

Senate Bill No. 433.

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

Motion carried.

Senate Bill No. 441.

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

Motion carried.

Senate Bill No. 452.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 456.

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

Motion carried.

Senate Bill No. 461.

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

Motion carried.

Senate Bill No. 480.

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

Motion carried.

Senate Bill No. 496.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 344.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 636.

AN ACT relating to utilities; 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 8** of this bill requires a political subdivision of this State to allow a video service provider, or an affiliate thereof, to construct, install, place, maintain, operate, repair or replace micro wireless facilities on the video service network of the provider. **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 these provisions do not otherwise **: (1) limit the authority of a local government to license telecommunication providers and establish certain conditions on such licenses, ~~or~~ ; or (2) affect the authority of a local government 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 711 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 8 of this act.

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** “Affiliate” means an entity that:

*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, is wholly owned or controlled by, or is under common control of a holder of a certificate of authority.*

**Sec. 4.** “Micro wireless facility” means a wireless telecommunications facility that:

*1. Is not larger in dimension than 36 inches in length, 22 inches in width and 12 inches in height;*

*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.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 8. 1.** *A political subdivision of this State shall allow a 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 the video service network of the provider.*

*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~~ :*

*(a) Limit the authority of a local government to:*

~~[(a)]~~ (1) License telecommunications providers; or

~~[(b)]~~ (2) Establish conditions on those licenses that are:

~~[(1)]~~ (I) Competitively neutral and nondiscriminatory; and

~~[(2)]~~ (II) Consistent with federal and state law.

(b) Affect the authority of a local government to:

(1) Manage the public rights-of-way within its boundaries; or

(2) Exercise its police powers and land use powers.

Sec. 9. (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**

(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 Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 376.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 634.

~~{CONTAINS UNFUNDED MANDATE (§ 1)~~

~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)}~~

AN ACT relating to persons in custody; requiring certain entities to report annually to the Legislature certain statistics relating to transfers of 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 certain entities to submit reports to the Legislature relating to the transfer of persons to the custody of federal agencies by that entity for the purposes of immigration enforcement during the previous calendar year. **Section 1** requires each report to include: (1) the total number of 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 nonfelony crimes for which those persons were arrested, including the total number of persons arrested for each specific nonfelony crime; (3) ~~the most serious crime for which those persons were convicted in the past, if any;~~ (4) whether those persons had an active judicial warrant for a crime other than a felony; and ~~{(5)}~~ (4) 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 person 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.** *Within 60 days following the end of the previous calendar year, each 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 persons to the custody of federal agencies by that designated entity for the purposes of immigration enforcement during the previous calendar year.*

**2.** *The report must include the following information:*

*(a) The total number of persons who were transferred to the custody of a federal agency for the purposes of immigration enforcement and the specific reasons for those transfers, such as whether the transfers were made pursuant to a judicial warrant ~~for~~ for a crime other than a felony, 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 other than felonies for which those persons were arrested, including the total number of persons arrested for each specific nonfelony crime.*

*~~(c) The most serious crime for which those persons were convicted in the past, if any.~~*

*~~(d)~~ Whether those persons had an active judicial warrant for a crime other than a felony at the time of being transferred.*

*~~(e)~~ (d) 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 person transferred to the custody of a federal agency.*

**4.** *As used in this section, “designated entity” includes:*

*(a) The sheriff’s office of a county;*

*(b) A metropolitan police department;*

*(c) A police department of an incorporated city;*

*(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 January 1, 2020.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 76.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 639.

AN ACT relating to mental health; ~~requiring~~ **authorizing** the Commission on Behavioral Health to employ certain persons to assist the regional behavioral health policy boards; revising the counties that comprise certain behavioral health regions; creating the Clark Behavioral Health Region; **revising the appointing authority to a regional behavioral health policy board**; revising the duties of a regional health policy board; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates four behavioral health regions and a regional behavioral health policy board for each region, consisting of 13 members who possess certain qualifications. (NRS 433.428, 433.429) **Section 2** of this bill removes ~~Lincoln~~ **Esmeralda** County **and Nye County** from the ~~Rural~~ **Southern** Behavioral Health Region and instead places ~~it~~ **them** in the ~~Southern~~ **Rural** Behavioral Health Region. **Section 2** additionally removes Clark County from the Southern Behavioral Health Region, **thereby eliminating that Region** and instead newly creates the Clark Behavioral Health Region consisting only of Clark County. **Section 3** of this bill **revises the appointing authority for the members of the regional behavioral health policy boards created for each behavioral health region. Section 3 further** authorizes the appointment ~~to a policy board~~ of members with alternative qualifications **to such a policy**

**board** if members meeting certain qualifications prescribed by existing law are not available.

Existing law prescribes the duties of the policy boards, which include: (1) advising the Department of Health and Human Services, the Division of Public and Behavioral Health of the Department and the Commission on Behavioral Health concerning certain issues; and (2) submitting an annual report to the Commission. (NRS 433.4295) **Section 4** of this bill additionally requires the policy boards to advise the Department, Division and Commission concerning redundant, conflicting or obsolete federal, state and local laws and regulations that relate to behavioral health. **Section 4** also requires each behavioral health policy board to: (1) establish an electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region; (2) track and compile data concerning persons admitted involuntarily to mental health facilities, hospitals and programs of community-based or outpatient services; and (3) identify and coordinate with other entities that address issues relating to behavioral health. Additionally, **section 4** revises the contents of the annual report that each policy board is required to submit to the Commission.

**Section 1** of this bill ~~requires~~ **authorizes** the Commission on Behavioral Health to employ an administrative assistant and a data analyst to assist the policy boards in carrying out their duties. (NRS 433.314)

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

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

433.314 **1.** The Commission shall:

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

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

~~3~~ **(c)** Review the programs and finances of the Division;

~~4~~ **(d)** Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:

~~(e)~~ **(1)** Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and

~~[(b)]~~ (2) In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:

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

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

~~[(3)]~~ (III) The health priorities set for each behavioral health region;

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

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

~~7. Employ~~

**2. The Commission may employ an administrative assistant and a data analyst to assist the regional behavioral health policy boards created by NRS 433.429 in carrying out their duties.**

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) , appointed by the Speaker of the Assembly.~~

**(b) One member who represents law enforcement agencies and who has experience with and knowledge of matters relating to persons in need of behavioral health services, appointed by the Majority Leader of the Senate;**

**(c) Two members who have extensive experience in the delivery of social services in the field of behavioral health, including, without limitation,**

directors or officers of social service agencies in the behavioral health region ~~and~~

~~(3)~~ **, appointed by the Governor.**

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

**(e) Eight members appointed by the Commission as follows:**

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

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

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

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

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

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

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

~~(1)~~ **(2)** One member who is a health officer of a county, ~~or~~ who is in a position with duties similar to those of such a health officer ~~or, if no such person is available, an employee of a city, county or Indian tribe who has experience in the field of public health.~~

~~(2)~~ **(3)** One member who is a psychiatrist or doctor of psychology with clinical experience and who is licensed to practice in this State ~~or, if no such person is available, a provider of health care, as defined in NRS 629.031, who has experience working with persons with mental illness or who abuse alcohol or drugs.~~ ~~and~~

~~(3)~~ **(4)** One member who represents private or public insurers who offer coverage for behavioral health services ~~or, if no such person is available, another person who has experience in the field of insurance or working with insurers.~~

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

~~(1)~~ **(5)** One member who has received behavioral health services, **including, without limitation, services for substance use disorders,** in this State or a family member of such a person or, if such a person is not available, a person who represents the interests of behavioral health patients or the families of behavioral health patients. ~~and~~

~~(2)~~ **(6)** One member who represents providers of emergency medical services or fire services and who has experience providing emergency services

to behavioral health patients, which may include, without limitation, a paramedic or physician. ~~and~~

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

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

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

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

5. Each policy board shall meet not later than 60 days after all appointments to such board have been made and elect one member of the policy board to act as the Chair for the biennium. The Director of the Department or his or her designee shall preside over the election of the Chair for each policy board at each board's first meeting. ~~Each~~ **Except as otherwise provided in subsection 6, each** policy board shall thereafter meet at least quarterly at the call of the Chair.

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

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

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

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

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

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

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

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

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



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

~~12.~~ (b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

~~13.~~ (c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

~~14.~~ (d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

~~15.~~ (e) *To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.*

(f) *To the extent feasible, track and compile data concerning persons admitted to mental health facilities and hospitals pursuant to NRS 433A.145 to 433A.197, inclusive, and to mental health facilities and programs of community-based or outpatient services pursuant to NRS 433A.200 to 433A.330, inclusive, in the behavioral health region, including, without limitation:*

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

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

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

(h) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation ~~the~~ :

*(1) The specific behavioral health needs of the behavioral health region ~~Such as~~;*

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

*(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (g) of subsection 1 and the results of those activities; and*

*(4) The data compiled pursuant to paragraph (f) of subsection 1 and any conclusions that the policy board has derived from such data.*

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

Sec. 5. (Deleted by amendment.)

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, reengrossed and to third reading.

Assembly Bill No. 129.

Bill read third time.

The following amendment was proposed by Assemblywoman Munk:

Amendment No. 630.

AN ACT relating to emergency response; requiring certain first responders to receive training concerning identifying and interacting with persons with developmental disabilities; **providing certain immunity from civil liability to a person who is required to complete such training and the State or any political subdivision of the State that employs such a person;** 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 applicant for such licensure or certification to complete training concerning persons with developmental disabilities before initial licensure or certification, as applicable. **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**.

**Section 10.5 of this bill provides immunity from civil liability to a person who is required to complete training concerning persons with developmental disabilities for any death, bodily injury or damage to property that occurs as a result of his or her failure to receive such training or act in a manner consistent with the training, unless the failure results from willful misconduct or bad faith. Section 10.5 also provides that the State or any political subdivision of the State that employs such a person is immune from civil liability for any death, bodily injury or damage to property that occurs as a result of the failure of the person to receive the required training or act in a manner consistent with the training.**

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 ~~4~~ **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 training concerning identifying and interacting with persons with developmental disabilities.***

**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.

~~7.7~~ 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.

~~8.7~~ 9. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection ~~7.7~~ 8 if the licensed physician, licensed physician assistant or registered nurse 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. 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~~ 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 ~~4.1~~ :

(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) Training before initial certification 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 ~~46~~ 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. 10.5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. An attendant, firefighter employed by or serving as a volunteer with a fire-fighting agency, an emergency medical technician, advanced emergency medical technician, paramedic or a peace officer who, while acting in the course of his or her employment, is immune from civil liability for any death, bodily injury or damage to property that occurs as a result of his or her failure to receive the training required pursuant to NRS 450B.160**



or 450B.180 or section 11 of this act, or his or her failure to identify or interact with any person with a developmental disability in a manner consistent with the training received pursuant to NRS 450B.160 or 450B.180 or section 11 of this act, unless the failure results from willful misconduct or bad faith.

2. The State or any political subdivision of the State that employs a person described in subsection 1 is immune from civil liability for any death, bodily injury or damage to property that occurs as a result of the failure of the person to receive the training required pursuant to NRS 450B.160 or 450B.180 or section 11 of this act, or the failure of the person to identify or interact with any person with a developmental disability in a manner consistent with the training received pursuant to NRS 450B.160 or 450B.180 or section 11 of this act.

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 training concerning identifying and interacting with persons with developmental disabilities.*

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 Munk moved the adoption of the amendment.

Remarks by Assemblywoman Munk.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 81.

Bill read third time.

The following amendment was proposed by Assemblywoman Benitez-Thompson:

Amendment No. 632.

AN ACT relating to criminal defense; creating the ~~Office~~ **Department** 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~~ **Department** 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 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 Board on Indigent Defense Services and designates the manner in which members must be appointed. 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 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~~ **Department** 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~~ **Department** 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~~ **Department** of Indigent Defense Services, which include overseeing the functions of the ~~Office~~ **Department**, serving as Secretary of the Board, reporting to the Board regarding the work of the ~~Office~~ **Department**, developing the budget for the ~~Office~~ **Department** 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~~ **Department** 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~~ **Department** 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, 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~~ Department 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~~ Department 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~~ Department with such information as requested by the ~~Office~~ Department.

**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~~

**Department** 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. 3.5.** ***"Department" means the Department of Indigent Defense Services created by section 9 of this act.***

**Sec. 4.** ***"Executive Director" means the Executive Director of the ~~Office~~ Department.***

**Sec. 5.** ~~***"Office" means the Office of Indigent Defense Services created by section 9 of this act.***~~ ***(Deleted by amendment.)***

**Sec. 6. 1.** ***There is hereby created a Board on Indigent Defense Services within the ~~Office~~ Department 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) 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.*

*(5) One member selected by the Board of Governors of the State Bar of Nevada, 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; and*

*(II) Resides in a county whose population is less than 100,000.*

*(6) Four members 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.*

*(7) Two members selected by the Board of County Commissioners of Clark County, appointed by the Governor.*

*(8) One member selected by the Board of County Commissioners of Washoe County, appointed by the Governor.*

*(9) One member 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 may designate one person to serve as a nonvoting member 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, 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 currently serving or employed as:*

- (a) *A 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 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]~~ Department 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.*

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 3 years and may be reappointed.*

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. An affirmative vote of a majority 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}~~ Department. 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}~~ Department to ensure that indigent defense services are provided in an effective manner throughout this State.*

(b) *Review information from the ~~{Office}~~ Department 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}~~ Department.*

(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}~~ Department 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~~ Department 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~~ Department of Indigent Defense Services is hereby created, ~~within the Office of the Governor.~~*

*2. The Executive Director of the ~~Office~~ Department 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}~~ Department 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}~~ Department 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}~~ Department;*

*(e) Establish the proposed budget for the ~~{Office}~~ Department 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}~~ Department 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}~~ Department 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~~ Department 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~~ Department 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, 3.5 and 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}~~ Department 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-}~~ ***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-}~~ 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}~~ Department 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 . ~~It is 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 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 ~~it~~ **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~~ Department 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~~ Department 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~~ Department.**

**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~~ Department of Indigent Defense Services created by section 9 of this act which includes any information required by the ~~Office~~ Department.

**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~~ Department on or before May 1 of each year. The report must include any information requested by the ~~Office~~ Department 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 . ~~It 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~~ **Department** 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~~ **Department**. 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}~~ **Department** of Indigent Defense Services created by section 9 of this act, including appointing the Executive Director of the ~~{Office,}~~ **Department**, 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.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Remarks by Assemblywoman Benitez-Thompson.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 242.

Bill read third time.

The following amendment was proposed by Assemblywoman Cohen:

Amendment No. 608.

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, **bequests**, grants, **appropriations** 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, 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 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, 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, a nonhub airport 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 tourism or development organization;*

*2. An organization formed to encourage increased air service in this State; or*

*3. 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, bequests, grants, appropriations and donations from any source for deposit in the Fund.*

*3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.*

*4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in 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 routes that service an airport that is:*

*(a) A small hub airport, a nonhub airport or, if the air carrier provides air service through a large hub airport that services small hub airports and nonhub airports, a large hub airport; and*

*(b) Certified by the Federal Aviation Administration of the United States Department of Transportation pursuant to 14 C.F.R. Part 139.*

*2. An application for a grant of money from the Fund must be in the form prescribed by the Commission and must include, without limitation:*

*(a) A statement designating the small hub airport, nonhub airport or large hub airport described in subsection 1 for which the air carrier will commence or continue air service if the grant is awarded;*

*(b) Commitments from the air carrier that if the Commission awards the grant to the air carrier, the air carrier will enter into a written agreement with the Commission that provides for the air carrier to commence or continue air service to the airport designated in the application in exchange for receiving from the Commission one of the guarantees set forth in subsection 2 of section 14 of this act; and*

~~(c) [The amount of the in-kind contribution from a local air service development entity or the airport designated in the application and the method in which the contribution will be provided; 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, nonhub airport 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 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.~~

~~4. The contribution to the cost of the guarantee pursuant to subsection 3 from the local air service development entity or airport, 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 or airport 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.] **(Deleted by amendment.)**~~

**Sec. 16.** (Deleted by amendment.)

**Sec. 17.** This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 66.

Bill read third time.

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

Amendment No. 624.

SUMMARY—Provides for the establishment of **psychiatric hospitals to provide** crisis stabilization ~~centers in certain counties.~~ **services.** (BDR 39-486)

AN ACT relating to mental health; providing for the establishment of ~~centers~~ **psychiatric hospitals** to provide crisis stabilization services in certain highly populated counties; **requiring certain health maintenance organizations and managed care organizations to negotiate with such hospitals to become in network providers;** 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 operate certain facilities to provide mental health services. (NRS 433.233) Existing law also authorizes the Division to contract with certain persons and entities for the provision of mental health services and related services. (NRS 433.334-433.354) ~~This~~ **Section 1 of this bill** ~~requires~~ **authorizes** the Division to establish ~~a center~~ **psychiatric hospitals** to provide crisis stabilization services ~~in each county whose population is 100,000 or more (currently Clark and Washoe Counties).~~ ~~This bill~~ **Section 1** also authorizes the Division to enter into a contract with a provider of behavioral health services to provide crisis stabilization services at the ~~center.~~ ~~This bill~~ **psychiatric hospital.** **Section 1** defines "crisis stabilization services" to mean behavioral health services designed to: (1) de-escalate or stabilize a behavioral crisis; ~~for reduce the concerning or disruptive behavior associated with acute symptoms of mental illness or the abuse of~~

~~alcohol or drugs;~~ and (2) avoid admission of a ~~[recipient of services]~~ **patient** to ~~[an]~~ **another** inpatient mental health facility or hospital ~~[.]~~ **when appropriate. Section 1.4 of this bill requires services provided at a psychiatric hospital established by the Division to provide crisis stabilization services to be reimbursable under Medicaid. Sections 1.5 and 1.7 of this bill require a health maintenance organization and managed care organization that provide health care services to recipients of Medicaid or enrollees in the Children's Health Insurance Program to negotiate in good faith to include such a psychiatric hospital in the network of providers under contract to provide services to such persons.**

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

**Section 1.** Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. The Division [shall] may establish [.] within each county whose population is 100,000 or more, a center] psychiatric hospitals that meet the requirements of this section to provide crisis stabilization services. [that is open to provide such services 24 hours per day, 7 days per week. The center] Such a psychiatric hospital must:~~

~~(a) Not later than 1 year after commencing the delivery of services to patients, be accredited by the Commission on Accreditation of Rehabilitation Facilities, or its successor organization, or the Joint Commission, or its successor organization;~~

~~(b) Not exceed a capacity of 16 beds or be an institution for mental diseases, as defined in 42 U.S.C. § 1396d;~~

~~(c) Operate in accordance with established administrative protocols, evidenced-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;~~

~~[(b) Make available not more than eight beds for a stay of not more than 14 days;~~

~~(e)] (d) Deliver crisis stabilization services:~~

~~(1) To patients for not less than 24 hours in an area devoted to crisis stabilization or detoxification before releasing the patient into the community, referring the patient to another facility or transferring the patient to a bed within the hospital for short-term treatment, if the psychiatric hospital has such beds;~~

~~(2) In accordance with best practices for the delivery of crisis stabilization services;~~

~~[(2) Without regard to the race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the recipient or any social conditions that affect the recipient,] and~~

(3) *In a manner that promotes concepts that are integral to recovery for persons with mental illness, including, without limitation, hope, personal empowerment, respect, social connections, self-responsibility and self-determination;*

~~[(d) *Promote the use of consumer-operated services to support recovery for recipients of crisis stabilization services;*]~~

(e) *Employ qualified persons to provide peer support services, as defined in NRS 449.01566, when appropriate;*

(f) *Use a data management tool to collect and maintain data relating to admissions, discharges, diagnoses and long-term outcomes for recipients of crisis stabilization services;* ~~and~~

~~(f) *Employ or enter into a contract with at least two case managers to provide or arrange for the provision of:*~~

~~(1) *Comprehensive services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;*~~

~~(2) *Services to address basic needs, including, without limitation, housing, food and primary health care;*~~

~~(3) *Treatment specific to the diagnoses of recipients of services; and*~~

~~(4) *Aftercare services for persons who have received services at the center.*]~~

(g) *Perform an initial assessment on any patient who presents at the psychiatric hospital, regardless of the severity of the behavioral health issues that the patient is experiencing;*

(h) *Have the equipment and personnel necessary to conduct a medical examination of a patient pursuant to NRS 433A.165; and*

(i) *Consider whether each patient would be better served by another facility and transfer a patient to another facility when appropriate.*

2. *Crisis stabilization services that may be provided pursuant to paragraph (d) of subsection 1 may include, without limitation:*

(a) *Case management services, including, without limitation, such services to assist patients to obtain housing, food, primary health care and other basic needs;*

(b) *Services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;*

(c) *Treatment specific to the diagnosis of a patient; and*

(d) *Coordination of aftercare for patients, including, without limitation, at least one follow-up contact with a patient not later than 72 hours after the patient is discharged.*

3. *The Division may enter into a contract with an organization that specializes in the provision of behavioral health services to provide crisis stabilization services, [described in subsection 1.] Before entering into such a contract, the Division must consult with the regional behavioral health policy board created by NRS 433.429 for the region in which the crisis stabilization center is located concerning the scope of the contract.*

~~3.3~~ 4. A psychiatric hospital established pursuant to this section must accept all patients, without regard to:

(a) The race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the patient;

(b) Any social conditions that affect the recipient;

(c) The ability of the patient to pay; or

(d) Whether the patient is admitted to the psychiatric hospital on a voluntary admission pursuant to NRS 433A.140 or emergency admission pursuant to NRS 433A.150.

5. The Division may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

~~4.4~~ 6. As used in this section:

~~(a) “Consumer-operated services” means peer-run service programs that are owned, administered and operated by persons receiving behavioral health services that emphasize the utilization of self-help by recipients of services.~~

~~(b)~~ “Crisis stabilization services” means behavioral health services designed to:

(1) De-escalate or stabilize a behavioral crisis ~~for reduce the concerning or disruptive behavior associated with acute symptoms of mental illness or the abuse of alcohol or drugs;~~, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and

(2) ~~Avoid~~ When appropriate, avoid admission of a ~~person~~ patient to ~~an~~ another inpatient mental health facility or hospital ~~and~~ and connect the patient with providers of ongoing care as appropriate for the unique needs of the patient.

(b) “Psychiatric hospital” has the meaning ascribed to it in NRS 449.0165.

Sec. 1.3. 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 1.4 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. 1.4. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:**

**The Department shall take any action necessary to ensure that crisis stabilization services provided at a psychiatric hospital established pursuant to section 1 of this act are reimbursable under Medicaid to the same extent as if the services were provided in another covered facility.**



**Sec. 1.5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:**

**A health maintenance organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall negotiate in good faith to enter into a contract with a psychiatric hospital established pursuant to section 1 of this act to include the psychiatric hospital in the network of providers under contract with the health maintenance organization to provide services to recipients of Medicaid or enrollees in the Children's Health Insurance Program, as applicable.**

**Sec. 1.6. 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 1.5 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. 1.7. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:**

***A managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall negotiate in good faith to enter into a contract with a psychiatric hospital established pursuant to section 1 of this act to include the psychiatric hospital in the network of providers under contract with the managed care organization to provide services to recipients of Medicaid or insureds in the Children's Health Insurance Program, as applicable.***

**Sec. 2.** 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.

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. 77.

Bill read third time.

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

Amendment No. 641.

AN ACT relating to optometry; authorizing an assistant to perform activities relating to optometry under certain circumstances; providing for the certification of a mobile optometry clinic; **providing for certification by endorsement to treat a person diagnosed with glaucoma;** revising the acts which constitute the practice of optometry; revising certain exemptions relating to the practice of optometry; revising provisions governing the Nevada State Board of Optometry and the Executive Director of the Board; ~~authorizing the Executive Director to invest certain money in treasury bills or notes of the United States;~~ revising provisions governing the preparation of a roster of licensees; authorizing the Board to adopt certain policies; requiring the Board to establish, review and revise a schedule of fees; ~~repealing~~ **revising** provisions which authorize the Board to impose certain penalties; revising provisions governing the qualification and examination of an applicant for a license to practice optometry; expanding the period required for the renewal of a license to practice optometry; revising provisions governing the restoration of a license to practice optometry; revising the requirements for certification to prescribe pharmaceutical agents; revising provisions governing the issuance of a certificate to treat glaucoma; ~~repealing~~ **revising** certain provisions governing disciplinary actions against a licensee; revising provisions relating to the submission of a complaint against a licensee; revising provisions governing the location at which a licensee practices optometry; prohibiting an optometrist from entering into certain leases with a person who is not licensed as an optometrist; **prohibiting a person from directly or indirectly supervising an optometrist under certain circumstances;** revising provisions governing **service of process and** the transmission of certain notices by the Board; authorizing any licensed optometrist to administer topical diagnostic ophthalmic agents; revising provisions governing the **issuance of an injunction or the** imposition of a criminal penalty or administrative fine for certain violations; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law extensively regulates the practice of optometry in this State, including, without limitation, provisions governing the: (1) creation of the Nevada State Board of Optometry; (2) issuance and renewal of a license to practice optometry; (3) issuance and renewal of a license for an accredited

school or college of optometry to establish an extended clinical facility for the treatment of visual disorders; (4) certification of an optometrist to administer and prescribe therapeutic pharmaceutical agents; (5) issuance of a certificate to treat persons diagnosed with glaucoma; and (6) payment of fees for such licenses and certificates. (Chapter 636 of NRS) This bill makes numerous changes to the provisions of existing law governing the practice of optometry.

**Sections 2, 35-39, 60 ~~and 61~~ -62** of this bill revise provisions governing the administering and prescribing of a pharmaceutical agent by an optometrist. **Section 3** of this bill authorizes an assistant in any setting where optometry is practiced to fit ophthalmic lenses or spectacle lenses and perform certain other activities if the assistant acts under the direct ~~responsibility and personal~~ supervision of a licensed optometrist. **Section 4** of this bill sets forth the requirements for the issuance of a certificate to own or operate a mobile optometry clinic. **Section 4.5 of this bill provides for the issuance of a certificate by endorsement to treat a person diagnosed with glaucoma.** **Sections 6-9** of this bill revise the definitions of “advertise,” “contact lens,” “diagnostic pharmaceutical agents” and “prescription.” **Section 10** of this bill expands the acts which constitute the practice of optometry to include, without limitation, ~~surgically~~ removing eyelashes ~~or surgically removing any superficial lesion of the eye~~ **with forceps** and ~~surgically~~ closing the lacrimal punctum of an eye. **Section 10.5 of this bill revises the applicability of chapter 636 of NRS governing the practice of optometry.** **Section 11** of this bill revises the circumstances under which a person is exempt from the provisions of chapter 636 of NRS regulating the practice of optometry.

**Section 12** of this bill requires the Board to take certain actions at its first meeting held during each fiscal year. **Section 13** of this bill repeals provisions which require the Executive Director of the Board to file a performance bond with the Governor. **Section 14** of this bill clarifies that the Board may employ consultants. **Section 15** of this bill amends certain provisions governing the filing of a complaint to initiate disciplinary action. **Section ~~16~~ of this bill** ~~authorizes the Executive Director to invest certain money in treasury bills or notes of the United States.~~ **Section 17** of this bill requires the Board to periodically prepare and make available a roster of all licensees. **Section 18** of this bill authorizes the Board to adopt policies necessary to carry out the provisions of chapter 636 of NRS governing the practice of optometry. **Section 19** of this bill revises certain provisions governing the accreditation of schools which teach optometry. **Section 20** of this bill requires the Board to establish, review and revise a schedule of fees at least once every 2 years. **Section 20 also sets forth the maximum amount of fees that the Board may include in the schedule.**

**Section 21** of this bill ~~repeals~~ **revises** provisions which authorize the Board to impose certain penalties against a person who engages in the practice of optometry in this State without a license to practice optometry or a renewal card for the license. **Sections 22-27** of this bill revise the requirements for the issuance of a license to practice optometry, including, without limitation, the

examinations, scores and payment of fees required for the license. **Section 28** of this bill requires the payment of a fee for the renewal of a license for an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders and revises the period during which the license is effective.

**Sections 29-33** of this bill provide for the renewal of and the payment of fees for the renewal of a license to practice optometry on certain dates occurring during even-numbered years. **Section 34** of this bill: (1) authorizes the restoration of a suspended license within 90 days after the license is suspended upon the completion of certain acts by the licensee; and (2) provides for the expiration of the license if those acts are not completed within that period.

**Section 39** of this bill revises provisions relating to the prescription of a controlled substance by an optometrist.

**Section 40** of this bill revises the circumstances under which an optometrist is required to obtain a certificate to treat persons diagnosed with glaucoma and to refer those persons to an ophthalmologist for treatment. **Section 41** of this bill revises the requirements which the Board must include in its regulations relating to the issuance of a certificate to treat persons diagnosed with glaucoma. **Section 41.5 of this bill clarifies that a person licensed to practice optometry in this State is subject to the jurisdiction of the Board regardless of whether the license is expired, suspended or revoked. Section 41.5 also revises the manner in which the Board may discipline a licensee.**

**Sections 42-45** of this bill revise the acts which constitute sufficient cause for disciplinary action or which constitute unethical or unprofessional conduct. **Sections 46, 48, and 47** of this bill revise the requirements for making and hearing a complaint against a licensee. **Sections 48.3 and 48.6 of this bill revise: (1) the manner in which a disciplinary hearing must be conducted; and (2) the actions that the Board may take upon finding by a preponderance of the evidence that a person has engaged in one or more grounds for disciplinary action. Section 48.9 of this bill repeals certain provisions which authorize the appeal of a decision to revoke or suspend a license.**

**Section 49** of this bill prohibits an optometrist from ~~being employed by or~~ owning all or any portion of an optometry practice under an assumed or fictitious name unless the optometrist is issued a certificate of registration to practice optometry under the assumed or fictitious name at a specific location. An application for the certificate must be accompanied by certain proof satisfactory to the Board. **Section 49 also requires certain names to be displayed near the entrance of the office of an optometrist who is issued a certificate of registration.** **Section 50** of this bill revises provisions relating to the unauthorized use of a license to practice optometry or a renewal card for the license. **Section 51** of this bill authorizes the Board or the Executive Director of the Board to issue a duplicate license and renewal card for each location at which a licensee practices optometry. **Section 52** of this bill

requires a licensee to notify the Executive Director in writing before establishing an additional location to practice optometry. **Section 53** of this bill prohibits an optometrist from entering into certain leases with a person who is not licensed as an optometrist. **Section 53.5 of this bill prohibits a person who is not licensed as an optometrist from supervising an optometrist or controlling, dictating or influencing the professional judgment of a licensed optometrist.** **Section 54** of this bill revises the requirements for an optometrist to collaborate with an ophthalmologist. **Section 55** of this bill **sets forth the manner in which service of process must be made and** authorizes the transmission by electronic mail or facsimile machine any notice that is required to be given by the Board or the Executive Director of the Board to a ~~licensee~~ **person.** **Section 56** of this bill authorizes any licensed optometrist to administer topical diagnostic ophthalmic agents. **Section 57** of this bill revises provisions governing forms for prescriptions for contact lenses ~~and~~ **and prohibits a prescription for spectacle lenses from being construed in a certain manner.** **Section 57.5 of this bill authorizes the issuance of certain injunctions without proof of actual damage sustained by a person and specifies that the issuance of those injunctions does not relieve a person from criminal prosecution for any unauthorized practice of optometry.**

**Section 58** of this bill repeals certain provisions relating to the imposition of certain greater penalties for a violation of the provisions of chapter 636 of NRS governing the practice of optometry. **Section 59** of this bill provides that any person who is licensed under chapter 636 of NRS and who ~~commits~~ **engages in** certain ~~violations~~ **grounds for disciplinary action** is liable to the Board for an administrative fine of not more than \$5,000 for each violation.

**Section 64** of this bill repeals certain provisions governing the practice of optometry.

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

**Section 1.** Chapter 636 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.** *“Pharmaceutical agent” means any topical or oral drug used or prescribed by a licensee for the examination, management or treatment of an abnormality, disease or condition of the eye or its appendages, including, without limitation, any ~~narcoctic~~ analgesic drug subject to the requirements of NRS 636.2882 or added to schedule III, schedule IV or schedule V by the State Board of Pharmacy by regulation pursuant to NRS 453.146. The term does not include any drug or other substance added to schedule I or schedule II by the State Board of Pharmacy pursuant to that section.*

**Sec. 3. 1.** *In any setting where optometry is practiced, an assistant may fit ophthalmic lenses or spectacle lenses if the assistant acts under the direct ~~responsibility and personal~~ supervision of a licensed optometrist.*

2. In addition to the provisions of subsection 1, an assistant in any setting where optometry is practiced may perform any of the following activities under the direct ~~[responsibility and personal]~~ supervision of a licensed optometrist:

- (a) Prepare a patient for examination.
- (b) Collect preliminary data concerning a patient, including taking the medical history of the patient.
- (c) Perform simple ~~[ ]~~ and noninvasive ~~[and nonsubjective]~~ testing of a patient in preparation for any subjective refraction, testing, evaluation, interpretation, diagnosis or treatment of the patient by the licensed optometrist.
- (d) For an ophthalmic purpose, administer any cycloplegic or mydriatic agent or topical anesthetic that is not a controlled substance.

(e) Use an ophthalmic device or oversee ocular exercises, visual training, visual therapy or visual rehabilitation as directed by a licensed optometrist.

3. If an assistant conducts any activities pursuant to subsection 2, the licensed optometrist must conduct the final eye examination of the patient.

4. As used in this section, "assistant" means a person employed ~~[to assist]~~ by an optometrist ~~[as authorized in this section.]~~ or any medical provider or medical facility at which the optometrist provides or offers to provide his or her services as an optometrist.

Sec. 4. 1. Notwithstanding any provision of this chapter to the contrary, a licensee, nonprofit or charitable organization, governmental agency or school in this State who obtains a certificate pursuant to this section may own or operate a mobile optometry clinic pursuant to this section. An application for the issuance or renewal of a certificate to own or operate the clinic must be submitted on a form approved by the Board and include any fees established by the Board pursuant to subsection ~~[3.]~~ 4. As soon as practicable after receiving an application and the appropriate fees, the Board shall approve or deny the application based upon the criteria established by the Board pursuant to subsection ~~[3.]~~ 4. A certificate issued to own or operate a mobile optometry clinic must be renewed on or before March 1 of each even-numbered year.

2. A certified mobile optometry clinic may include any equipment required to operate the clinic, including, without limitation, a motor vehicle or a motor vehicle and trailer which may be moved from one location to another. Any optometric services available at the clinic must be provided under the direction ~~[ ]~~ and control ~~[and personal supervision]~~ of a licensee. Any final examination of a patient at the mobile optometry clinic must be completed by the licensee.

3. A certified mobile optometry clinic may only provide optometric services to:

- (a) Governmental agencies;
- (b) Patients with impaired or restricted mobility;

(c) Members of low-income and other medically underserved groups in the State; and

(d) Academic programs.

4. The Board shall adopt:

(a) Regulations setting forth:

(1) The requirements for the issuance and renewal of a certificate to operate a mobile optometry clinic; and

(2) The amount of the fees for the issuance and renewal of the certificate; and

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

Sec. 4.5. 1. The Board may issue a certificate by endorsement to treat a person diagnosed with glaucoma to an applicant who meets the requirements of this section.

2. An applicant for a certificate by endorsement must submit an application to the Executive Director in a form prescribed by the Board. The application must include the following information:

(a) Proof satisfactory to the Board that the applicant:

(1) Holds a valid and unrestricted certificate or other credential approved by the Board to engage in the treatment of a person with glaucoma issued in any state, the District of Columbia, the Commonwealth of Puerto Rico or any other territory or possession of the United States; and

(2) Has not previously been held criminally or civilly liable for any malpractice relating to his or her certificate or other credential to treat a person with glaucoma;

(b) An affidavit stating that the information set forth 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 to treat a person diagnosed with glaucoma, the Executive Director shall provide a written notice to the applicant if any additional information is required to consider the application. Unless the application is denied for good cause, the Board shall approve the application and issue a certificate to treat a person diagnosed with glaucoma by endorsement within 45 days after receiving the application.

Sec. 5. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to ~~636.024,~~ **636.023**, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 6. NRS 636.016 is hereby amended to read as follows:

636.016 "Advertise" means the commercial use of any medium, including, but not limited to, **any brochures or business cards**, the **Internet**, radio or television, or a newspaper, magazine, sign or other printed ~~matter,~~ **or electronic medium**, by an optometrist to bring the services or materials offered by the optometrist to the attention of members of the general public.



**Sec. 7.** NRS 636.018 is hereby amended to read as follows:

636.018 “Contact lens” means an ophthalmic lens prescribed for application on the anterior surface of the eye. ***The term includes any plano lens or cosmetic lens.***

**Sec. 8.** NRS 636.019 is hereby amended to read as follows:

636.019 “Diagnostic pharmaceutical agents” means ~~topical ophthalmic anesthetics and topical cycloplegics, miotics and mydriatics.~~ ***any topical or oral agents used to examine and diagnose conditions of the eye ~~or adnexa.~~***

**Sec. 9.** NRS 636.022 is hereby amended to read as follows:

636.022 “Prescription” means:

1. An order given individually for the person for whom prescribed, directly from a licensed optometrist who is certified to prescribe and administer ~~therapeutic~~ pharmaceutical agents pursuant to NRS 636.288, or his or her agent, to a pharmacist or indirectly by means of an order signed by the licensed optometrist or an electronic transmission from the licensed optometrist to a pharmacist; or

2. A written direction from a licensed optometrist to:

(a) Prepare an ophthalmic lens for a patient; or  
 (b) Dispense a prepackaged contact lens that does not require any adjustment, modification or fitting.

**Sec. 10.** NRS 636.025 is hereby amended to read as follows:

636.025 1. The acts set forth in this section, or any of them, whether done severally, collectively or in combination with other acts that are not set forth in this section constitute practice in optometry within the purview of this chapter:

(a) Advertisement or representation as an optometrist.

(b) Adapting, or ~~replacing, duplicating,~~ prescribing or dispensing, without a valid prescription by a practitioner of optometry or medicine licensed in this State, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of any abnormal condition or insufficiency of the eye or any appendage or visual process. The provisions of this paragraph do not prevent ~~[, under extraordinary or exigent circumstances, an optical mechanic from doing the mere mechanical work of replacement or duplication of the ophthalmic lens, if the optical mechanic receives a valid prescription from the person for whom the mechanical work is performed, or prevent]~~ a licensed dispensing optician from engaging in the practice of ophthalmic dispensing ~~[, if the optician receives a valid prescription from the person for whom the ophthalmic dispensing is performed.]~~ ***in accordance with the provisions of chapter 637 of NRS.***

(c) The examination, evaluation, diagnosis and treatment of the human eye and its appendages, the measurement of the powers or range of human vision ~~[]} by any means, including, without limitation, the use of an autorefractor or other automated testing device, unless performed under the direct responsibility [and personal supervision]~~ of a licensed optometrist as authorized in section 3 of this act, the determination of the accommodative

and refractive states of the eye or the scope of its function in general, or the diagnosis or determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(d) Prescribing, directing the use of or using any optical device in connection with ocular exercises, orthoptics, ***vision rehabilitation, vision therapy*** or visual training.

(e) The prescribing of contact lenses.

(f) The measurement, ***initial fitting, as defined in NRS 636.387,*** or adaptation of contact lenses to the human eye except under the direction, ***responsibility*** and ~~personal~~ supervision of ~~a physician, surgeon or~~ ***an*** optometrist licensed in the State of Nevada ~~as authorized in section 3 of this act.~~

(g) The topical use of ~~diagnostic~~ pharmaceutical agents to determine any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(h) Prescribing, directing the use of or using a ~~therapeutic~~ pharmaceutical agent ***or device*** to treat an abnormality of the eye or its appendages.

(i) ~~Removing~~ ~~*(Surgically removing)*~~ a foreign object from the surface or epithelium of the eye.

(j) ~~*(Surgically removing)*~~ ***Removing eyelashes with forceps.***

(k) ~~*(Surgically removing any superficial lesion of the eye or adnexa.*~~

~~*(L) Surgically closing*~~ ***Closing the lacrimal punctum of the eye.***

~~*(m)*~~ ***(L)*** The ordering ***or performing*** of laboratory tests ***or imaging*** to assist in the diagnosis of an abnormality of the eye or its appendages.

2. The provisions of this section do not authorize an optometrist to engage in any practice which includes:

(a) ~~The incision or suturing of the eye or its appendages;~~ ***Any procedure using a laser, scalpel, needle or other instrument in which any human tissue is cut, burned or vaporized by incision, injection, ultrasound, laser, infusion, cryotherapy, radiation or other means;*** or

(b) ~~The use of lasers for surgical purposes;~~ ***Any procedure using an instrument which requires the closure of human tissue by suture, clamp or similar device.***

***Sec. 10.5. NRS 636.027 is hereby amended to read as follows:***

636.027 This chapter ~~shall~~:

***1. Applies to any person who is licensed to practice optometry pursuant to this chapter and any other person engaged in the practice of optometry in this State.***

***2. Must*** not be construed to apply to physicians and surgeons duly licensed to practice in this State.

***Sec. 11. NRS 636.028 is hereby amended to read as follows:***

636.028 1. Except as provided in subsection 2, a person is exempt from the provisions of this chapter regulating the practice of optometry if the person

is engaged in a clinical program of a school or college of optometry accredited by the Board and if the person is ~~+~~

~~—(a) A student who is enrolled in a clinical program of an undergraduate or graduate course of study in optometry at such a school or college ~~+~~ or~~

~~—(b) Licensed to practice optometry in another state and is employed as a clinician or instructor at such a school or college.~~ **and who has not received a degree of doctor of optometry.**

2. A person who is employed as a clinician or instructor and who engages in the practice of optometry in this State is required to be licensed by the Board.

**Sec. 12.** NRS 636.080 is hereby amended to read as follows:

636.080 1. ~~{Within a reasonable time after the appointment of a new member,}~~ **At the first meeting of the Board held each fiscal year,** the Board shall meet and organize by electing from its membership a President who shall hold office for 1 year and until the election and qualification of his or her successor.

2. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive compensation as set by the Board. The Executive Director must not be a member of the Board. If a vacancy occurs in the position of Executive Director, the Board may appoint one of its members to perform the duties of the Executive Director until the position is filled. A member of the Board who is appointed to perform the duties of the Executive Director is not entitled to receive any ~~{additional}~~ compensation for performing those duties.

**Sec. 13.** NRS 636.085 is hereby amended to read as follows:

636.085 ~~{+}~~ The Executive Director shall ~~{before undertaking the duties of Executive Director, make and deliver to the Governor a good and sufficient bond payable to the State of Nevada for the benefit of the Board, in the amount designated by the Board, conditioned upon the faithful performance of his or her duties as Executive Director. The Executive Director shall file a copy of the bond with the Board.~~

~~—2. The Executive Director shall~~ receive, maintain and disburse money on behalf of the Board and shall perform all duties imposed upon him or her pursuant to the provisions of this chapter and such other duties as the Board may prescribe.

**Sec. 14.** NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators, **consultants** and other professional ~~{consultants}~~ and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board subject to the provisions of NRS 622A.200.

**Sec. 15.** NRS 636.107 is hereby amended to read as follows:

636.107 1. 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 are confidential ~~||~~ unless the person against whom the complaint is filed submits a written statement to the Board requesting that the documents and other information be made public records.

2. ~~The [A complaint or other] charging~~ document ~~filed by~~ the Board uses to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information in the Board's possession concerning a licensee or pending investigation to any other licensing board or any other governmental agency that is investigating a person, including, without limitation, a law enforcement agency, agency of the federal government, licensing board in this State or any other state or territory of the United States. If any confidential information concerning an investigation is provided to another governmental agency pursuant to this section, the information remains confidential and may not be provided to any other person or governmental agency. To the extent practicable, any governmental agency that receives any confidential information from the Board pursuant to this section shall treat the information as confidential.

Sec. 16. ~~[NRS 636.110 is hereby amended to read as follows:~~

~~— 636.110 — 1. Except as otherwise provided in subsection 3, all money coming into possession of the Board must be deposited by the Executive Director in a special fund to be expended for payment of compensation and expenses of members of the Board and for other necessary or proper purposes in the administration of this chapter. The Executive Director shall deposit the money in banks, credit unions, savings and loan associations or savings banks in this State [.] or invest the money in treasury bills or notes of the United States.~~

~~— 2. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines and penalties therefor and forward the money therefrom to the Executive Director for deposit in banks, credit unions, savings and loan associations or savings banks in this State [.] or investment in treasury bills or notes of the United States.~~

~~— 3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of administrative fines and penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both. (Deleted by amendment.)~~

Sec. 17. NRS 636.120 is hereby amended to read as follows:

636.120 ~~{Once each year, the}~~ **The** Board shall *periodically* prepare and ~~{distribute}~~ **make available** to all licensees a roster containing their names and *mailing* addresses.

Sec. 18. NRS 636.125 is hereby amended to read as follows:

636.125 The Board may adopt *policies* ~~{rules}~~ and regulations necessary to carry out the provisions of this chapter.

Sec. 19. NRS 636.135 is hereby amended to read as follows:

636.135 The Board shall accredit schools , **or approve the accreditation of schools by any nationally recognized accrediting organization or agency**, in and out of this State teaching the science and art of optometry which it finds ~~{are giving}~~ **provide** a sufficient and thorough course of study for the preparation of optometrists.

Sec. 20. NRS 636.143 is hereby amended to read as follows:

636.143 ~~{The}~~ **At least once every 2 years, the** Board shall *review and, if the Board deems it necessary, establish or revise, within the limits prescribed* ~~{for revise}~~ a schedule of fees for the following purposes:

	<del>{Not less than}</del>	Not more than
Examination .....	\$100	\$500
Reexamination.....	100	500
Issuance of each license or duplicate license, including a license by endorsement.....	35	75
Renewal of each license or duplicate license .....	100	500
Issuance of a license for an extended clinical facility.....	100	500
Issuance of a replacement renewal card for a license .....	10	50

~~— 2. If an applicant submits an application for a license by endorsement pursuant to NRS 636.207, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.~~

*Not more than*

<b>1. Examinations</b> <del>{}</del> .....	<b>\$250</b>
<b>2. Applications for the issuance of a 1 year license</b> <del>{}</del> .....	<b>\$600</b>
<b>3. Renewal of a license</b> <del>{}</del> .....	<b>\$1,200</b>
<b>4. Granting certification or issuing certificates</b> <del>{}</del> .....	<b>\$1,000</b>
<b>5. Licensing of extended clinical facilities and other practice locations</b> <del>{}</del> .....	<b>\$500</b>
<b>6. Individually verifying licensure or disciplinary status</b> .....	<b>\$100</b>
<b>7. Late fee</b> .....	<b>\$1,000</b>

8. Any other service provided by the Board pursuant to this chapter ~~is~~..... \$1,000

Sec. 21. NRS 636.145 is hereby amended to read as follows:

636.145 1. A person shall not engage in the practice of optometry in this State unless:

(a) ~~1.1~~ The person has obtained a license pursuant to the provisions of this chapter; and

(b) ~~1.2~~ Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board. [the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.]

(b) Issue a citation to the person. [A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.]

~~(c) Assess against the person an administrative fine as provided in NRS 636.420.~~

~~(d) (c) Impose any combination of the penalties set forth in paragraphs (a) ~~and~~ (b), and (e).]~~

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 22. NRS 636.150 is hereby amended to read as follows:

636.150 ~~[Except as otherwise provided in NRS 636.206 and 636.207, any]~~ Any person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. ~~Make application for an examination;~~

~~—3—~~ Take and pass ~~the~~ *each* examination ~~;~~

~~—4—~~ *identified, administered or approved by the Board;*

3. Pay the prescribed fees; and

~~—5—~~ 4. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

**Sec. 23.** NRS 636.155 is hereby amended to read as follows:

636.155 ~~Except as otherwise provided in NRS 636.206 and 636.207, an~~  
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—~~ 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—~~ Has graduated from a school of optometry accredited *or approved* 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.~~ *Board pursuant to NRS 636.135;*

4. *Has passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor;*

5. *Has passed each examination identified, administered or approved by the Nevada State Board of Optometry pursuant to NRS 636.150; and*

6. *Has not been disciplined for harming a patient as a licensed optometrist in another state.*

**Sec. 24.** NRS 636.170 is hereby amended to read as follows:

636.170 ~~1. The Board shall:~~

~~—(a)—~~ Conduct a regular annual examination, and may conduct a special examination when it deems that circumstances warrant such examination.

~~—(b)—~~ Fix and announce the time and place of any examination at least 30 days prior to the day when it is to be commenced.

~~—2—~~ The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

**Sec. 25.** NRS 636.180 is hereby amended to read as follows:

636.180 An examination must:

1. Be practical in character and design as determined by the Board;

2. Test the fitness of the examinee to practice optometry; *and*

3. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations. ~~;~~ ~~and~~

~~4. Be conducted in the English language.~~

**Sec. 26.** NRS 636.190 is hereby amended to read as follows:

636.190 Except as otherwise provided in NRS 622.090, a grade of ~~75~~ **70** or higher for each area tested ~~on the examination~~ is required to pass ~~an~~ **the** examination.

**Sec. 27.** NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150, **636.155**, 636.206 or 636.207 and submitted all information **and fees** required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and
2. ~~Be signed by each member~~ **Bear the signatures** of the **President of the Board** ~~and the Executive Director~~.

**Sec. 28.** NRS 636.227 is hereby amended to read as follows:

636.227 1. The Board may grant a license to an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders and shall adopt reasonable regulations and establish procedures for such purpose. If a license is granted, it is effective ~~for~~ only ~~for~~ **until February 28 of the next even-numbered** year unless renewed by the Board ~~upon payment of the fee for the renewal of the license established pursuant to NRS 636.143~~.

2. An accredited school or college of optometry which desires to establish an extended clinical facility for the treatment of visual disorders in this State must apply to the Board for a license, and the application must contain the following information:

- (a) The name and address of the proposed facility;
- (b) The date when the school or college desires to commence operation of the facility;
- (c) A brief description of the facility and of the equipment which will be available for use there;
- (d) The kinds of optometric services to be rendered; and
- (e) The name and address of each instructor or clinician to be employed at the facility, his or her academic qualifications and any licenses which entitle the instructor or clinician to practice optometry in this or any other state.

3. Every school or college of optometry which operates a licensed facility in this State shall notify the Board if the school or college changes its instructors or clinicians, the location of the facility or the content of a clinical program.

4. Nothing in this section authorizes a licensed optometrist to engage in any acts which are beyond the scope of his or her license issued in accordance with the provisions of this chapter.

5. For the purposes of this section, "extended clinical facility for the treatment of visual disorders" means a clinical facility which renders optometric services and is operated by an accredited school or college of



optometry, but which is located beyond the boundaries of the principal campus of the school or college.

**Sec. 29.** NRS 636.250 is hereby amended to read as follows:

636.250 A license issued under this chapter or any former law must be renewed pursuant to the provisions of NRS 636.250 to 636.285, inclusive, before March 1 of each *even-numbered* year.

**Sec. 30.** NRS 636.255 is hereby amended to read as follows:

636.255 The Executive Director shall ~~mail~~ **provide** a notice of **the deadline for the renewal of a license** to each licensee before February 1 of each *even-numbered* year. The failure of the Executive Director to notify a licensee does not excuse the licensee from the requirements of NRS 636.250.

**Sec. 31.** NRS 636.260 is hereby amended to read as follows:

636.260 1. Before March 1 of each *even-numbered* year, each licensee shall pay a renewal fee to the Executive Director in the amount ~~specified in~~ **established pursuant to** NRS 636.143. For the purposes of this subsection, the date of the postmark on any payment received by mail shall be deemed to be the date of receipt by the Executive Director.

2. The renewal fee must be accompanied by satisfactory evidence that the licensee has, within the immediately preceding ~~12-month~~ **24-month** period, completed the required number of hours in a course or courses of continuing education that have been approved by the Board. This evidence must be indicated on the form for proof of completion of continuing education that is furnished by the Board. The Board shall not require a licensee to complete more than ~~24-48~~ **40** hours of continuing education during each ~~year~~ **period of renewal**. The Board may waive the requirement that a licensee complete all or part of the required number of hours of continuing education upon good cause shown by the licensee.

3. A licensee who is certified to administer and prescribe ~~therapeutic~~ pharmaceutical agents pursuant to NRS 636.288 must, at the time of paying the renewal fee, present evidence satisfactory to the Executive Director that, during the ~~12~~ **24** months immediately preceding the payment of the renewal fee, the licensee completed an educational or postgraduate program approved by the Board. The Board shall establish the number of hours for completion of the program which must be not less than ~~30-60~~ **50** hours nor more than ~~50~~ **100** hours.

**Sec. 32.** NRS 636.265 is hereby amended to read as follows:

636.265 Upon payment of the renewal fee, submission of evidence of completion of the required number of hours of continuing education and submission of all information required to complete the renewal, the Executive Director shall execute and issue a renewal card for the license to the licensee, certifying that the license has been renewed for a ~~12-month~~ **24-month** period beginning March 1 of each *even-numbered* year. The renewal card must indicate the address of the place of the licensee's practice for which the card is issued and be displayed prominently at that location. The renewal card must be signed by the Executive Director. ~~and sealed with the seal of the Board.~~

**Sec. 33.** NRS 636.270 is hereby amended to read as follows:

636.270 If a licensee fails to comply with the provisions of NRS 636.260 on or before the prescribed date, the license must be suspended effective March 1 ~~1~~ **of the year of the prescribed date** and must remain suspended until it is restored in the manner specified in NRS 636.275 ~~1~~ **or expires pursuant to that section, whichever occurs first.**

**Sec. 34.** NRS 636.275 is hereby amended to read as follows:

636.275 1. A license which has been suspended for failure of the licensee to pay the ~~annual~~ renewal fee, ~~for~~ to submit all information required to complete the renewal **or to submit evidence of completion of the required number of hours of continuing education** may be restored at any time ~~during the calendar year~~ **within 90 days after the suspension of the license** upon the licensee:

(a) Paying the ~~annual~~ **renewal fee**;

(b) Paying ~~the Executive Director~~ a ~~nonrenewal penalty~~ **late fee** in the amount prescribed by ~~NRS 636.285, and~~ **the Board**;

(c) Submitting all required information ~~;~~

~~2. A license which has been suspended for failure of the licensee to submit evidence of completion of~~ **; and**

~~(d) Completing the required number of hours of continuing education .~~ **(d) Completing** the required number of hours of continuing education . ~~may be restored upon the licensee completing the continuing education, if such completion occurs during the calendar year in which the suspension has occurred.~~

~~3.~~

2. Any license suspended pursuant to the provisions of NRS 636.270 ~~must be revoked at the end of the calendar year during which it was suspended~~ **expires 91 days after the suspension of the license** unless the license is restored pursuant to subsection 1 . ~~or 2.~~

**Sec. 35.** NRS 636.286 is hereby amended to read as follows:

636.286 An optometrist shall not administer or prescribe a ~~therapeutic~~ pharmaceutical agent **other than a diagnostic pharmaceutical agent** unless the optometrist has obtained a certificate pursuant to NRS 636.288.

**Sec. 36.** NRS 636.287 is hereby amended to read as follows:

636.287 The Board shall adopt regulations which prescribe the requirements for certification to administer and prescribe ~~therapeutic~~ pharmaceutical agents pursuant to NRS 636.288. The requirements must include:

1. A license to practice optometry in this State;

2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry ~~on or after January 1, 1993,~~ or an equivalent examination approved by the Board; and

3. The successful completion of not fewer than 40 hours of clinical training in administering and prescribing ~~therapeutic~~ pharmaceutical agents

in a training program which is conducted by an ophthalmologist and approved by the Board.

**Sec. 37.** NRS 636.288 is hereby amended to read as follows:

636.288 The Board shall provide to:

1. Each optometrist who has complied with the requirements adopted by the Board pursuant to NRS 636.287, a certificate to administer and prescribe ~~therapeutic~~ pharmaceutical agents.

2. The State Board of Pharmacy the name of each optometrist it certifies pursuant to this section.

**Sec. 38.** NRS 636.2881 is hereby amended to read as follows:

636.2881 The Board shall, by regulation, require each optometrist who is certified to administer and prescribe ~~therapeutic~~ pharmaceutical agents pursuant to NRS 636.288 and who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure. Any licensee may use such training to satisfy 2 hours of any continuing education requirement established by the Board.

**Sec. 39.** NRS 636.2882 is hereby amended to read as follows:

636.2882 An optometrist who is certified to administer and prescribe a ~~therapeutic~~ pharmaceutical agent pursuant to NRS 636.288 shall not prescribe ~~an analgesic of hydrocodone with compounds, codeine with compounds or propoxyphene with compounds~~ a *controlled substance* unless the optometrist:

1. Has completed an optometric examination of the patient for whom the ~~therapeutic pharmaceutical agent~~ *controlled substance* is prescribed;

2. Prescribes the ~~therapeutic pharmaceutical agent~~ *controlled substance* in an amount that *does not exceed 90 morphine milligram equivalents per day and* will not last more than 72 hours; and

3. Sets forth in the prescription for the ~~therapeutic pharmaceutical agent~~ *controlled substance* that the prescription may not be refilled ~~if~~ *without a subsequent examination of the patient by the optometrist.*

**Sec. 40.** NRS 636.2891 is hereby amended to read as follows:

636.2891 1. An optometrist ~~whose initial license to practice optometry is issued on or after October 1, 2020, may treat a person with glaucoma without obtaining a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895 in addition to his or her license to practice optometry.~~

~~2. An optometrist whose initial license to practice optometry is issued before October 1, 2020,~~ shall not treat a person diagnosed with glaucoma unless the optometrist has been issued a certificate by the Board pursuant to NRS 636.2895 ~~if~~ *or certification by endorsement pursuant to section 4.5 of this act.*

2. ~~3.~~ An optometrist ~~who~~, *regardless of whether he or she* has been issued a certificate to treat persons diagnosed with glaucoma pursuant to NRS

636.2895 ~~or certification by endorsement pursuant to section 4.5 of this act,~~ shall refer a patient diagnosed with glaucoma to an ophthalmologist for treatment if any one of the following is applicable:

- (a) The patient is under 16 years of age.
- (b) The patient has been diagnosed with ~~malignant~~ any type of glaucoma ~~for neovascular~~ other than open angle glaucoma.
- (c) The patient has been diagnosed with acute closed angle glaucoma. The provisions of this paragraph do not prohibit the optometrist from administering any appropriate, nonsurgical emergency treatment to the patient.

~~[(d) The patient's glaucoma is caused by diabetes, and, after joint consultation with a physician who is treating the diabetes and an ophthalmologist, the physician or ophthalmologist determines that the patient should be treated by an ophthalmologist. If an optometrist determines that a patient's glaucoma is caused by diabetes, the optometrist shall consult with a physician and ophthalmologist in the manner provided in this paragraph.]~~

**Sec. 41.** NRS 636.2893 is hereby amended to read as follows:

636.2893 The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895. The requirements must include, without limitation:

1. A license to practice optometry in this State;
2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry ~~on or after January 1, 1993,~~ or an equivalent examination approved by the Board; ~~and~~

3. Proof that each optometrist who applies for a certificate has treated at least 15 persons who were:

(a) Diagnosed with glaucoma by an ophthalmologist licensed in this State;  
and

(b) Treated by the optometrist, in consultation with that ophthalmologist, for at least 12 consecutive months; ~~or~~ and

4. A certificate to administer and prescribe pharmaceutical agents issued pursuant to NRS 636.288.

**Sec. 41.5.** NRS 636.290 is hereby amended to read as follows:

636.290 1. Any person licensed pursuant to the provisions of this chapter or engaged in the unlawful practice of optometry without a license may be disciplined by the Board for cause in the manner specified in this chapter. A person licensed to practice optometry in this State is subject to the jurisdiction of the Board for any act specified in this chapter, regardless of whether the license is expired, suspended or revoked.

2. Unless the Board takes action pursuant to NRS 636.325, the Board may discipline a licensee for a violation of any provision of this chapter or regulation adopted pursuant to this chapter in one or more of the following ways, with or without the imposition by the Board of a monetary penalty:

- (a) Issuing a letter of public reprimand;

(b) Issuing an order to cease and desist;

(c) Issuing an order of probation for a specified period, with or without conditions;

(d) Issuing an order of suspension for a specified period, with or without conditions; or

(e) Issuing an order of revocation, with or without permission to apply for licensure at a future date.

Sec. 42. 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. ~~1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.~~

~~2.1~~ 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.~~

~~4.1~~ 2. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

~~5.1~~ 3. Habitual drunkenness or addiction to any controlled substance.

~~6.1~~ 4. Gross incompetency.

~~7.1~~ 5. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

~~8.1~~ 6. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

~~9.1~~ 7. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

~~10.1~~ 8. 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.~~

~~12.1~~ **9.** Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

~~13.1~~ **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.

~~14.~~ Failure to obtain any training required by the Board pursuant to NRS 636.2881.

~~15.1~~ **11.** 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.

~~16.1~~ **12.** Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

**13. Failure to comply with any provision of chapter 89 of NRS relating to a professional entity or association that offers optometric services.**

**14. Any violation of a state or federal law or regulation relating to or involving the practice of optometry, including, without limitation, a violation relating to:**

**(a) The organizational structure or control of any optometric practice or entity;**

**(b) The maintenance, availability or distribution of any medical record of a patient;**

**(c) The improper disclosure of any protected information of a patient; and**

**(d) Fraud.**

**Sec. 43.** NRS 636.300 is hereby amended to read as follows:

636.300 The following acts, among others, constitute unethical or unprofessional conduct:

1. Association as an optometrist with any person, firm or corporation violating this chapter.

2. Accepting employment, directly or indirectly, from a person not licensed to practice optometry in this State to assist the person in such practice or enabling the person to engage therein, except as authorized in NRS 636.347.

3. Signing the prescription blanks of another ~~optometrist~~ **person** or allowing another ~~optometrist~~ **person** to use his or her prescription blanks.

~~4. Except as otherwise provided in NRS 636.372 and 636.373, practicing in or on premises where any materials other than those necessary to render optometric examinations or services are dispensed to the public, or where a business is being conducted not exclusively devoted to optometry or other healing arts and materials or merchandise are displayed having no relation to the practice of optometry or other healing arts.~~

**Sec. 44.** NRS 636.301 is hereby amended to read as follows:

636.301 The following acts, among others, constitute unethical or unprofessional conduct:

1. Division of fees with another optometrist or a health maintenance organization, except where the division is made in proportion to the services performed for the patient and the responsibility assumed by each.

2. Division of fees or any understanding or arrangement *which is designed or tends to impair, influence or affect the independent judgment or practice of the optometrist* with any person who is not an optometrist or a health maintenance organization, unless in accordance with NRS 636.374.

**Sec. 45.** NRS 636.302 is hereby amended to read as follows:

636.302 The following acts, among others, constitute unethical or unprofessional conduct:

1. ~~Making a house to house canvass, either in person or by another person, for advertising, selling or soliciting the sale of eyeglasses, frames, lenses, mountings, or optometric examinations or services.~~

~~2.~~ Circulating or publishing, directly or indirectly, any false, fraudulent or misleading statement as to optometric materials or services, his or her method of practice or skill, or the method of practice or skill of any other licensee.

~~3.~~ 2. Advertising in any manner that will tend to deceive, defraud or mislead the public.

~~4.~~ 3. Advertising, directly or indirectly, free optometric examinations .  
~~for services.~~

**Sec. 46.** NRS 636.305 is hereby amended to read as follows:

636.305 1. A complaint may be made against a licensee by:

~~1.~~ (a) An ~~agent~~ *employee* or ~~inspector employed by~~ *contractor of the Board*; *or*

~~2.~~ (b) Any ~~other~~ licensee ~~;~~ or

~~3.~~ Any aggrieved *other* person,

~~charging~~ *alleging* one or more ~~of the causes~~ *grounds* for disciplinary action ~~with such particularity as to enable the defendant licensee to prepare a defense.~~ set forth in NRS 636.295.

2. As soon as practicable after a complaint is filed with the Board, the Executive Director or his or her designee shall review the complaint. If the Executive Director determines that the complaint is not frivolous and alleges one or more of the grounds for disciplinary action set forth in NRS 636.295, the Board, through the Executive Director, shall cause the complaint to be investigated.

3. The Board shall retain each complaint received pursuant to this section for not less than 10 years, including, without limitation, any complaint which is not acted upon.

**Sec. 47.** NRS 636.310 is hereby amended to read as follows:

636.310 1. A complaint ~~must~~ :

~~1.1~~ (a) Must be made in writing [The original complaint and two copies must be filed with the Executive Director. A complaint may] and be signed and ~~verified~~ sworn to or affirmed by the person making it.

~~1.2~~ (b) May not be filed anonymously. [If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.] **except that the identity of the complainant must remain confidential upon request by the complainant and until the complainant waives that confidentiality.**

2. If the Executive Director or his or her designee determines that a complaint filed with the Board relates to any matter within the jurisdiction of another regulatory body in this title or chapter 437 of NRS, the Executive Director shall refer the complaint to the that regulatory body.

3. The provisions of subsection 2 do not prohibit the Executive Director or his or her designee from investigating a complaint which relates to any matter within the jurisdiction of the Board or from notifying the Board of that matter for further consideration by the Board if deemed necessary by the Board after an investigation.

4. Any member, employee, contractor or officer of the Board is immune from any civil liability for any decision made or action taken in good faith and without malicious intent in carrying out the provisions of this section.

Sec. 48. ~~[NRS 636.315 is hereby amended to read as follows:~~

~~636.315~~ ~~1. Except as otherwise provided in NRS 636.338, as soon as practicable after the filing of a complaint, the Board shall notify the licensee against whom the complaint is filed and fix a date for its *initial* review of the complaint. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report. [The licensee must be allowed a reasonable amount of time to respond to the allegations of the complaint.] The Executive Director shall notify the licensee of the time, date and place fixed for the Board's *initial* review of the complaint.~~

~~2. After reviewing the complaint, the Board shall dismiss the complaint or file a formal charge against the licensee. If a formal charge is filed, the Executive Director shall prepare the charge in accordance with the Board's regulations and send a copy to the licensee. The licensee must be allowed a reasonable amount of time to file a response to the charge.~~

~~3. Within a reasonable time after the Executive Director sends a copy of the charge to the licensee, the Board shall fix the time, date and place for a hearing and the Executive Director shall notify the licensee thereof. **The licensee must be allowed a reasonable amount of time to respond to the complaint.**~~

~~4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.] (Deleted by amendment.)~~

Sec. 48.3. NRS 636.320 is hereby amended to read as follows:



636.320 ~~The~~ Any disciplinary hearing of a formal charge relating to an alleged ground for disciplinary action set forth in NRS 636.295 must be conducted ~~publicly by the Board. The licensee against whom the charge is filed must be accorded the right to appear in person and by legal counsel, and given adequate opportunity to confront the witnesses against him or her, to testify and introduce the testimony of witnesses in his or her behalf, and to submit argument and brief in person or by counsel.~~ in accordance with the provisions of chapters 233B, 622 and 622A of NRS.

**Sec. 48.6. NRS 636.325 is hereby amended to read as follows:**

636.325 1. ~~Upon conclusion of the hearing, or waiver thereof by the person against whom the charge is filed, the Board shall make and announce its decision.~~ If the Board ~~determines that the allegations included in the charge are true,~~ finds by a preponderance of the evidence that a person has engaged in one or more grounds for disciplinary action set forth in NRS 636.295, it may take any one or more of the following actions:

(a) Publicly reprimand the licensee ~~;~~ and impose any terms or conditions deemed necessary by the Board;

(b) Place the licensee on probation for a specified or unspecified period ~~;~~ and impose any conditions deemed necessary by the Board;

(c) Suspend the ~~licensee from practice for a specified or unspecified period;~~ license of the person for not more than 1 year and impose any terms or conditions deemed necessary by the Board;

(d) Revoke the ~~licensee's~~ license ~~;~~ of the person and impose any terms or conditions for reinstatement of the license deemed necessary by the Board;

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420 ~~;~~

~~The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.~~ ;

(f) Limit the person's practice of optometry;

(g) Suspend the enforcement of any penalty by placing the person on probation, which the Board may revoke if the person fails to comply with any condition of probation imposed by the Board;

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board, and the person must be responsible for any expense incurred for providing those services;

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the person;

(j) Require the person to pay for any costs of remediation or restitution;

or

(k) Take any combination of the actions specified in paragraphs (a) to (j), inclusive.

2. ~~If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.~~

~~3. The Board shall not issue a private reprimand.~~

~~44~~ 3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

**Sec. 48.9. NRS 636.337 is hereby amended to read as follows:**

636.337 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 636.110 is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of an administrative fine or penalty is a final decision in a contested case. ~~Any party aggrieved by a decision of the officer or panel to revoke or suspend a license may appeal that decision to the Board.~~

**Sec. 49. NRS 636.350 is hereby amended to read as follows:**

636.350 1. An optometrist shall not ~~practice optometry, be employed by or~~ own all or any portion of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under ~~an~~ the assumed or fictitious name ~~and at a specific location.~~

2. An optometrist who applies for a certificate of registration to own all or any portion of an optometry practice ~~(optometry)~~ under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. ***The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name meets the requirements of chapter 602 of NRS and has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.***

3. Each optometrist who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS; ~~and~~

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist ~~;~~ and

***(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.***

4. The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate of registration to practice optometry under an assumed or fictitious name.

5. As used in this section, “assumed or fictitious name” means a name ~~that is not the real~~ other than the name of ~~each person who owns an interest in a business~~ the optometrist printed on his or her license to practice optometry.

**Sec. 50.** NRS 636.355 is hereby amended to read as follows:

636.355 A licensee shall not ~~be entitled to~~ lend, sell, or otherwise ~~dispose of~~ permit the unauthorized use of his or her license or current renewal card.

**Sec. 51.** NRS 636.365 is hereby amended to read as follows:

636.365 The Board or the Executive Director may issue a duplicate license and renewal card *for each location at which a licensee practices optometry*, if ~~at~~ *the* licensee maintains more than one place of practice.

**Sec. 52.** NRS 636.370 is hereby amended to read as follows:

636.370 1. A person who has been issued an initial license to practice optometry in this State or who is re-establishing a practice in this State shall, before commencing the practice, notify the Executive Director, in writing, of the location or locations where the person intends to practice.

2. A licensee shall notify the Executive Director in writing before changing the location of his or her practice ~~+~~ *or establishing an additional location to practice optometry.*

**Sec. 53.** NRS 636.372 is hereby amended to read as follows:

636.372 1. ~~An~~ *Except as otherwise provided in subsection 4, an* optometrist may enter into an agreement with a person who is not licensed pursuant to the provisions of this chapter for the leasing of a building or a part thereof for use in his or her practice. The lease may contain a provision which requires that the rent must be based on a percentage of the revenue earned by the optometrist in his or her practice if the total amount of rent paid for the building or part thereof does not exceed its fair rental value, including any furniture, fixtures or equipment therein.

2. An optometrist who enters into such a lease with a physician may locate his or her office in the same place of business as the physician without a physical separation between the office and the place of business.

3. The Board may adopt regulations prescribing the requirements for such leases. The regulations must ensure the quality of optometric care and the practice of optometry without restricting competition or the commercial practice of optometry.

*4. An optometrist shall not enter into a lease pursuant to this section unless, during the term of the lease, the optometrist maintains exclusive access to, and control and ownership of, the medical records of each patient of the optometrist.*

**Sec. 53.5.** NRS 636.373 is hereby amended to read as follows:

636.373 1. An optometrist may form an association or other business relationship with a physician to provide their respective services to patients.

2. If such an association or business relationship is formed, the optometrist may:

(a) Locate his or her office in the same place of business as the physician without a physical separation between the office and the place of business.

(b) Authorize the physician to have access to any medical records in the possession of the optometrist relating to a patient who is being treated by both the optometrist and the physician.

(c) Advertise and promote the services provided by the association or business consistent with the restrictions on advertising set forth in NRS 636.302.

3. *A person shall not directly or indirectly supervise an optometrist within the scope of his or her practice of optometry unless the person is licensed to practice optometry pursuant to this chapter.*

4. *A person, including an officer, employee or agent of any commercial or mercantile establishment, shall not directly or indirectly control, dictate or influence the professional judgment of the practice of optometry by a licensed optometrist, unless the person is licensed to practice optometry pursuant to this chapter.*

5. This section does not authorize an optometrist to employ or be employed by a physician.

Sec. 54. NRS 636.374 is hereby amended to read as follows:

636.374 An optometrist may, based upon the individual needs of a particular patient, collaborate with an ophthalmologist for the provision of care to the patient, for a fixed fee, regarding one or more surgical procedures if:

1. The collaborating parties prepare and maintain in their respective medical records regarding the patient, written documentation of each procedure and other service performed by each collaborating party which includes the date each procedure and other service is performed;

2. The fixed fee is divided between the collaborating parties in proportion to the services personally performed by each of them;

3. The collaborating parties agree that the collaborating optometrist will refer the patient back to the collaborating ophthalmologist or, if the collaborating ophthalmologist is not available, another ophthalmologist designated by the collaborating ophthalmologist to provide care to the patient if the medical needs of the patient necessitate the provision of care by an ophthalmologist; and

4. The collaborating parties provide to the patient and maintain in their respective medical records regarding the patient, a written document, signed by each of the collaborating parties and the patient, containing:

(a) The name, business address and telephone number of each of the collaborating parties;

(b) The amount of the fixed fee for the procedures and services;

(c) The proportion of that fee to be received by each collaborating party;

(d) A statement, signed by the patient and a witness who is not one of the collaborating parties, that the patient voluntarily, knowingly and willingly desires the performance of the postoperative care by the collaborating optometrist;

(e) A statement that the patient is entitled to return to the collaborating ophthalmologist for postoperative care at any time after the surgery; and

(f) A statement which:

(1) Indicates that the practice of optometry *is regulated by the Nevada State Board of Optometry* and *the practice of ophthalmology* ~~are respectively~~ *is regulated by the Nevada State Board of Optometry and the Board of Medical Examiners ~~or the State Board of Osteopathic Medicine,~~ *as applicable;* and*

(2) Contains the address and telephone number of each of those Boards.

Sec. 55. NRS 636.375 is hereby amended to read as follows:

636.375 1. Service of process made under this chapter must be made by one of the following methods:

(a) Sending the process to be served to the person by certified mail at his or her last known address as indicated in the records of the Board; or

(b) Personal delivery of the document to be served upon the person.

2. Service of process made under this chapter shall be deemed complete when a true and correct copy of the document, properly addressed and stamped, is deposited in the United States mail pursuant to paragraph (a) of subsection 1, or when personal delivery is completed pursuant to paragraph (b) of subsection 1.

3. Any notice *which is not* required to be ~~given by the Board or the Executive Director to a licensee~~ *served in accordance with subsection 1 or 2* may be transmitted by ~~ordinary~~ *ordinary* :

~~1. Ordinary first class, certified or registered~~

(a) First-class mail, postage prepaid, addressed to the licensee at the location listed by the ~~Executive Director for that~~ licensee ~~or~~ *on his or her most recent change of address form or application for the renewal of his or her license* ~~or~~

~~2. or the last known address as indicated in the records of the Board for any other person;~~

(b) Electronic mail to the address for electronic mail most recently provided by the ~~licensee~~ person to the Board; or

~~3. Facsimile machine to the number most recently provided by the licensee~~ person to the Board.

Sec. 56. NRS 636.382 is hereby amended to read as follows:

636.382 ~~1. No~~ Any licensed optometrist may administer topical *diagnostic* ophthalmic ~~pharmaceutical~~ agents . ~~unless the optometrist has received certification from the Board authorizing him or her to do so.~~

~~2. The Board shall adopt regulations prescribing the diagnostic uses to which the agents enumerated in subsection 3 may be put, the manner in which such agents may be used, and the qualifications and requirements for such certification which must include:~~

~~(a) A valid license to practice optometry in this State;~~

~~(b) Satisfactory completion of a curriculum approved by the Board, which must include general and ocular pharmacology, at an institution approved by the Board and accredited by a regional or professional accrediting organization and recognized or approved by the Council on Post-Secondary Accreditation,~~

~~the Northwest Accreditation Association or the United States Department of Education; and~~

~~—(c) Successful completion of an appropriate examination approved and administered by the Board.~~

~~—3. The following topical ophthalmic pharmaceutical agents may be used for diagnostic purposes by an optometrist who has been authorized by the Board to do so:~~

~~—(a) Mydriatics;~~

~~—(b) Cycloplegics;~~

~~—(c) Topical anesthetics; and~~

~~—(d) Miotics.}~~

Sec. 57. NRS 636.387 is hereby amended to read as follows:

636.387 1. The form for any prescription which is ~~issued for an ophthalmic lens by an optometrist in this State must contain lines or boxes in substantially the following form:~~

Approved for contact lenses.....

Not approved for contact lenses.....

~~—2. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by the optometrist.~~

~~—3. If the prescription is} for a contact lens {, the form} must set forth the expiration date of the prescription, the number of {refills} *contact lenses* approved for the patient and such other information as is necessary for the prescription to be filled properly. **A prescription for spectacle lenses must not be construed to be approved for or converted to a prescription for contact lenses unless contact lenses are expressly approved in writing on the prescription by the prescribing optometrist.**~~

~~{4.} 2. The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.~~

~~{5.} 3. As used in this section, “initial fitting” means measuring the health, integrity and refractive error of the eye to determine whether contact lenses ~~{may be approved pursuant to subsection 1.} are appropriate for the patient.~~~~

Sec. 57.5. **NRS 636.407 is hereby amended to read as follows:**

636.407 The Board may cause appropriate legal action to be taken in the district court of any county to secure an injunction or order restraining the unauthorized practice of optometry. **An injunction may be issued pursuant to this section without proof of actual damage sustained by a person and does not relieve a person from any criminal prosecution for any unauthorized practice of optometry.**

Sec. 58. NRS 636.410 is hereby amended to read as follows:

636.410 A violation of this chapter shall constitute a gross misdemeanor and shall be punishable as such. ~~{, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.}~~

**Sec. 59.** NRS 636.420 is hereby amended to read as follows:

636.420 ~~Any~~ After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than \$5,000 for each violation against a person licensed under this chapter who ~~violates any provision of this chapter or any regulation of the Board relating to the practice of optometry is liable to the Board for an administrative fine of not less than \$100 or more than \$5,000 .for each violation.~~ engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

**Sec. 60.** NRS 639.0125 is hereby amended to read as follows:

639.0125 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;
2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;
3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;
4. A physician assistant who:
  - (a) Holds a license issued by the Board of Medical Examiners; and
  - (b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;
5. A physician assistant who:
  - (a) Holds a license issued by the State Board of Osteopathic Medicine; and
  - (b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or
6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer ~~therapeutic~~ pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers ~~therapeutic~~ pharmaceutical agents within the scope of his or her certification.

**Sec. 61.** NRS 453.126 is hereby amended to read as follows:

453.126 “Practitioner” means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.
2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.
3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer ~~therapeutic~~ pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers ~~therapeutic~~ pharmaceutical agents within the scope of his or her certification.

**Sec. 62.** NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer ~~dangerous drugs~~ **pharmaceutical agents** pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

**Sec. 63.** Notwithstanding the amendatory provisions of:

1. Section 20 of this act, the schedule of fees established by the Nevada State Board of Optometry pursuant to NRS 636.143 remains in effect until the Board establishes a revised schedule of fees pursuant to NRS 636.143, as amended by section 20 of this act.

2. Section 27 of this act, a license to practice optometry executed pursuant to NRS 636.215 remains in effect for the period for which the license was issued, if the person to whom the license was issued remains eligible to hold the license during that period.



3. Section 36 of this act, any regulations adopted by the Nevada State Board of Optometry prescribing the requirements for certification to administer and prescribe a therapeutic pharmaceutical agent pursuant to NRS 636.287 remain in effect until the Board amends the regulations in accordance with NRS 636.287, as amended by section 36 of this act.

4. Section 37 of this act, a certificate to administer or prescribe a therapeutic pharmaceutical agent issued in accordance with the provisions of NRS 636.288 remains in effect for the period for which the certificate was issued, if the person to whom the certificate was issued otherwise remains eligible to hold the certificate during that period.

5. Section 40 of this act, any regulations adopted by the Nevada State Board of Optometry which prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2893 remain in effect until the Board adopts regulations in accordance with NRS 636.2893, as amended by section 41 of this act.

**Sec. 64.** NRS 636.024, 636.160, 636.175, 636.195, 636.200, 636.220, ~~636.296,~~ 636.315, 636.330, 636.335, 636.336, 636.341 and 636.385 are hereby repealed.

**Sec. 65.** This act becomes effective:

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

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

#### LEADLINES OF REPEALED SECTIONS

**636.024** “Therapeutic pharmaceutical agent” defined.

**636.160** Application for examination.

**636.175** Equipment required for examination.

**636.195** Request for reexamination.

**636.200** Scope of reexamination.

**636.220** Licenses: Issuance.

~~636.296~~ Inspection of premises by Board.

**636.315** Procedure following filing of complaint; retention of complaints.

**636.330** Application for rehearing.

**636.335** Rehearing: Notice to licensee; conduct; decision.

**636.336** Board to cooperate with other agencies investigating persons.

**636.341** Practicing or offering to practice without license: Reporting requirements of Board.

**636.385** Use of and payment for optometric services by administrative agencies and public schools.

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. 345.

Bill read third time.

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

Amendment No. 532.

CONTAINS UNFUNDED MANDATE (§§ ~~18-10, 79-81~~) **6, 8, 9, 9.4**)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; authorizing an elector to register to vote during ~~the period for early voting~~ **certain periods before** and on the day of certain elections and setting forth the requirements for such registration; requiring the Secretary of State to establish a system for voter registration on the Internet website of the Secretary of State and setting forth certain requirements for that system; requiring the Department of Motor Vehicles to provide a form to decline voter registration or indicate a political party affiliation after concluding certain transactions with the Department; requiring a county clerk to reject certain applications to register to vote that are automatically transmitted to the county clerk by the Department of Motor Vehicles; revising requirements to publish certain information relating to elections in a newspaper; revising certain provisions relating to a student trainee serving as election board officer; 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; revising certain deadlines related to absent ballots; authorizing a registered voter to request an absentee ballot for all elections; revising certain other requirements for absent ballots; revising the hours for early voting; authorizing county and city clerks to extend the hours for early voting after the hours have been published; authorizing certain persons who are 17 years of age to vote at a primary city election or primary election under certain circumstances; establishing certain requirements for the database of the Department of Motor Vehicles relating to processing and verifying voter registration information; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill authorizes a county clerk to establish one or more polling places in the

county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. **Section 3** of this bill requires the county clerk to publicize the location of such polling places. **Section 4** of this bill requires the county clerk to prepare a roster of registered voters in the county for any such polling place. **Section 5** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 73-76** of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election.

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 64 and 105~~ **5.1-9.8** of this bill ~~extend the deadline for registering to vote by computer to authorize~~ **provide that: (1) after the date that registration closes for a primary, primary city, general or general city election under the existing deadlines and until the Thursday preceding the election,** an elector ~~to~~ **may** register to vote by computer ~~during the period for early voting~~ using the ~~application to register to vote~~ **registration system** provided on the website of the Office of the Secretary of State ~~;~~ **Sections 6 and 77 of this bill provide that an** ; **and (2) such an** elector ~~who registers to~~ **may vote in person at a polling place** during the period for early voting ~~may only vote~~ **or on election day** ~~;~~ **under certain circumstances.** ~~Sections 7 and 78 of this bill amend sections 6 and 77 to provide that, effective January 1, 2022, a person who registers to vote by computer during the period for early voting may vote during the period of early voting or on election day.~~

~~Sections 9 and 80 of this bill~~ **5.1-9.8 also** authorize an elector to register to vote in person for a primary, primary city, general or general city election **during the period for early voting or** on the day of the election ~~;~~ **and to vote on the same day as the registration under certain circumstances.**

~~To register~~ ~~to~~ **and vote** ~~;~~ **in person on the same day,** ~~sections 9 and 80~~ **5.1-9.8** require an elector to appear at a polling place ~~on election day~~ complete an application to register to vote by computer **at the polling place** and provide proof of identity and residence. Upon completion of the application and verification of identity and residence, the elector : **(1)** is deemed **to be conditionally** registered to vote and may vote in that election only at the polling place at which he or she registered to vote ; **and (2)** must vote by casting a provisional ballot ~~;~~ **for all offices and measures on the ballot, but the provisional ballot will be counted only after final**

**verification to determine whether the elector was qualified to register to vote and to cast the ballot in the election.**

~~Effective January 1, 2022, sections 8 and 79 of this bill authorize an elector to register to vote in person for a primary, primary city, general or general city election during the period for early voting. Sections 10 and 81 of this bill revise the requirements for same day registration on the day of an election to provide that the elector may vote by casting a regular ballot rather than a provisional ballot.~~

**Section 11** of this bill requires the Secretary of State to establish a system for voter registration on the Internet website of the Office of the Secretary of State and sets forth certain requirements for the system.

Existing law requires the Department of Motor Vehicles to collect certain information from a person who does not decline to apply to register to vote and transmit that information to the county clerk of the county in which the person resides to register that person to vote or update his or her voter registration information. (2018 Ballot Question No. 5, Automatic Voter Registration Initiative) **Section 12** of this bill requires the Department to provide a person with a form that allows the person to: (1) affirmatively decline to be registered to vote or have his or her voter registration updated; and (2) indicate a political party affiliation. The form may be returned by the person ~~+~~ ~~(+)~~ immediately after his or her transaction with the Department to a secured container within ~~the Department; or (2) within 15 business days after concluding the transaction with~~ the Department. **Section 12** further provides that if a person fails to return the form ~~+~~ ~~within 15 business days,~~ that person will be deemed to have consented to the transmission of his or her information and the Department will transmit his or her voter registration information to the county clerk who will list the person's political party as nonpartisan. ~~+~~ **under certain circumstances.** **Section 13** of this bill provides that the county clerk must review the voter registration information transmitted by the Department to determine whether the person is eligible to vote. If the county clerk determines the person is not eligible to vote, **section 13** provides that the voter registration information shall be deemed not to be a complete application to register to vote and that person shall be deemed not to have applied to register to vote.

Existing law requires the county clerk and city clerk to publish certain information relating to a primary election or general election in a newspaper of general circulation. (NRS 293.203, 293.253, 293C.187) **Sections 20, 85 and 112** of this bill remove the requirement for a county and city clerk to publish the names of the candidates and offices to which the candidates seek nomination or election. **Section 23** of this bill removes the requirement for a county clerk to publish a condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note.

Existing law prohibits a county clerk or city clerk from assigning more than one student trainee to serve as an election board officer to any one polling place. (NRS 293.2175, **293.227**, 293C.222) **Sections 21, 21.5 and 86** of this

bill remove that prohibition so that more than one student trainee may be assigned to a polling place.

Existing **federal law requires states to allow certain registered voters to cast provisional ballots in special circumstances to ensure that the voters facing those circumstances are not unfairly denied the right to vote. (Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082) To comply with federal law, existing Nevada** 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 voter registration list; (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 10.3 and 37-39** of this bill ~~require~~ **ensure that the provisions governing provisional ballots subject to the federal requirements are kept separate in Nevada's elections laws from the provisions governing provisional ballots cast under sections 5.1-9.8. However, sections 5.8 and 10.6 of this bill ensure that both types of** 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.

Existing law requires a person who will distribute forms to request absent ballots to provide written notice to the county or city clerk within 14 days of distributing the forms and mail the forms not later than 21 days before the election. (NRS 293.3095, 293C.306) **Sections 42 and 93** of this bill revise the time periods to require the person to provide notice to the county or city clerk within 28 days of distributing the forms and to mail the forms not later than 35 days before an election.

Existing law requires a registered voter, with limited exceptions, to request an absent ballot by 5 p.m. on the seventh calendar day preceding a primary, primary city, general or general city election. (NRS 293.313, 293C.310) **Sections 43 and 94** of this bill revise the deadline to require a person to request an absent ballot by 5 p.m. on the 14th day preceding an election.

Existing law authorizes a registered voter with a physical disability or who is at least 65 years of age to submit a written request to the appropriate county or city clerk to receive an absent ballot for all elections at which the registered voter is eligible to vote. (NRS 293.3165, 293C.318) **Sections 44 and 95** of this bill instead provide that any registered voter may submit a written request to receive an absent ballot for all elections at which the registered voter is eligible to vote.

Existing law requires that an absent ballot be received by the county or city clerk by the time the polls close on the day of an election. (NRS 293.317) **Section 45** of this bill instead provides that an absent ballot must be: (1) delivered by hand to the county or city clerk by the time set for the closing of the polls; or (2) mailed to the county or city clerk and postmarked on or before the day of an election.

Existing law establishes a process for a county or city clerk to follow upon receiving an absent ballot from a registered voter. (NRS 293.325, 293C.325) **Sections 46 and 96** of this bill revise this process ~~to~~ **require** the county clerk to check the signature on the envelope of an absent ballot against all signatures of the voter in the records of the county clerk ~~to~~ **and** if two employees of the office of the county clerk question whether the signature matches, the county clerk must contact the voter to ask whether it is the signature of the voter ~~;~~ **and (3) if the voter does not respond, the signature is presumed to belong to the voter.** **Sections 46 and 96** further require the county and city clerks to contact a voter who has neglected to sign the return envelope of an absent ballot.

Existing law requires a permanent polling place for early voting by personal appearance at a primary or general election to remain open: (1) on Monday through Friday during the first week of early voting, from 8 a.m. to 6 p.m.; (2) on Monday through Friday during the second week of early voting, from 8 a.m. to 6 p.m. or 8 p.m.; and (3) on any Saturday during early voting, for at least 4 hours between 10 a.m. to 6 p.m. (NRS 293.3568, 293C.3568) **Sections 49 and 101** of this bill revise the hours a polling place must remain open during the period for early voting: (1) on Monday through Friday during early voting, for at least 8 hours during such times as the county or city clerk may establish; and (2) on any Saturday during early voting, for at least 4 hours during such times as the county or city clerk may establish.

Existing law requires the county clerk and city clerk to publish the dates and hours that early voting will be conducted at each permanent and temporary polling place for early voting. (NRS 293.3576, 293C.3576) **Sections 50 and 102** of this bill provide that the county clerk or city clerk may extend the hours that early voting will be conducted after the hours have been published.

Existing law authorizes persons who are 17 years old and who meet certain eligibility requirements to preregister to vote. (NRS 293.4855) **Sections 55 and 56** of this bill authorize a 17 year-old who will be 18 years of age on or before the date of the next general city or general election to vote in the primary city election or primary election. ~~Section~~ **However, under existing law and various city charters, certain candidates who win a majority of the vote in the primary election are declared elected to office without appearing on the ballot in the general election. (NRS 293.260, 293C.175, 293C.180) Sections 25, 84.5, 84.6, 117, 118, 120, 122, 123, 125, 127, 128, 130, 131, 133, 134, 136, 137, 139, 140, 142, 143, 145 and 147** of this bill ~~revises the requirements for~~ **remove the provisions allowing certain names to be omitted from a ballot for the general** **candidates to be elected to office in the**

primary election ~~to~~ and instead require the ~~names of all~~ candidates to appear on the ballot for the general election to ensure that any candidate voted upon by a 17 year-old at a primary city election or primary election is not declared elected to the office at the primary city election or primary election.

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list, which, among other requirements, must be coordinated with the databases of the Department of Motor Vehicles. (NRS 293.675) **Section 69** of this bill: (1) requires the Department of Motor Vehicles to ensure that its database is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as feasible; and (2) prohibits the Department of Motor Vehicles from limiting the number of applications or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

Existing law provides that the counties and certain cities must complete the canvass of the election returns in the county or city, respectively, on or before the sixth working day following the election. (NRS 293.387, 293.393, 293C.387) However, various city charters set different periods for certain cities to complete the canvass of the election returns following the election. Sections 52.2, 52.4, 104.5, 116, 119, 121, 124, 126, 129, 132, 135, 138, 141, 144 and 148 of this bill provide that all counties and cities must complete the canvass of the election returns on or before the 10th day following the election.

Under the Nevada Constitution and existing statutes, persons who circulate initiative and referendum petitions proposing changes in the law are required to submit the petitions to the county clerks by certain deadlines, so the clerks can verify whether the petitions have a sufficient number of valid signatures to qualify for the ballot. (Nev. Const. Art. 19, §§ 1, 2; NRS 295.056) Section 112.2 of this bill revises those deadlines.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

**Sec. 2. 1.** *A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.*

**2.** *Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.*

**Sec. 3. 1.** *Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:*

*(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.*

*(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of 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. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.*

*3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.*

*Sec. 4. 1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

*2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.*

*Sec. 5. 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:*

*(a) Determine that the person is a registered voter in the county and has not already voted in that county in the current election;*

*(b) Instruct the voter to sign the roster or a signature card; and*

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

*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.*

*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 that county in the current election.*



5. *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 where he or she applies to vote.*

6. *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 voting device for the voter;*

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

*(c) Allow the voter to cast a vote.*

7. *A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.*

Sec. 5.1. *As used in sections 5.1 to 9.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5.2 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5.2. *"Election" means:*

1. *A primary election;*

2. *A general election;*

3. *A primary city election; or*

4. *A general city election.*

Sec. 5.3. *"Final verification" means the procedures established pursuant to section 9.4 of this act to verify and determine whether a person who cast a provisional ballot was qualified to register to vote and to cast the ballot in the election.*

Sec. 5.4. *"Polling place for early voting" means any permanent or temporary polling place for early voting.*

Sec. 5.5. 1. *"Provisional ballot" means a provisional ballot cast by a person pursuant to sections 5.1 to 9.8, inclusive, of this act.*

2. *The term does not include a provisional ballot cast by a person pursuant to:*

(a) *NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act; or*

(b) *Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082, as amended.*

Sec. 5.6. 1. *The procedures authorized pursuant to the provisions of sections 5.1 to 9.8, inclusive, of this act are subject to all other provisions of this title relating to the registration of electors and the voting of registered voters, but only to the extent that the other provisions of this title do not conflict with the provisions of sections 5.1 to 9.8, inclusive, of this act.*

2. *If there is any conflict between the provisions of sections 5.1 to 9.8, inclusive, of this act and the other provisions of this title, the provisions of sections 5.1 to 9.8, inclusive, of this act control.*

3. The provisions of sections 5.1 to 9.8, inclusive, of this act must be liberally construed and broadly interpreted to achieve their intended public purpose of encouraging and facilitating a greater number of electors to participate in the electoral process by voting, and if there is any uncertainty or doubt regarding the construction, interpretation or application of the provisions of sections 5.1 to 9.8, inclusive, of this act, that uncertainty or doubt must be resolved in favor of this public purpose.

Sec. 5.7. 1. The provisions of sections 5.1 to 9.8, inclusive, of this act relating to early voting do not apply to a city election if the governing body of the city has not provided for the conduct of early voting by personal appearance in the city election pursuant to NRS 293C.110.

2. The provisions of sections 5.1 to 9.8, inclusive, of this act do not apply to a city election in which all ballots must be cast by mail pursuant to NRS 293C.112.

Sec. 5.8. If a person casts a provisional ballot pursuant to sections 5.1 to 9.8, inclusive, of this act, the provisional ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.

Sec. 6. 1. ~~During the period for early voting,~~ After the close of registration for an election pursuant to NRS 293.560 or 293C.527 and through the Thursday preceding the day of the election, an elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act ~~and~~ before the elector appears at a polling place described in subsection 2 to vote in person.

2. ~~An~~ If an elector ~~who registers~~ submits an application to register to vote pursuant to this section, the elector may vote only ~~for~~ in person:

(a) During the period for early voting, at any polling place for early voting; or

(b) On the day of the ~~primary or general~~ election ~~day~~ at:  
~~(a)~~ (1) A polling place established pursuant to section 2 or 73 of this act, if one has been established in the county or city, as applicable, in which the elector ~~has registered~~ registers to vote; or

~~(b)~~ (2) The polling place for his or her election precinct.  
3. ~~The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~ To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer

using the system established by the Secretary of State pursuant to section 11 of this act; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or 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.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot.

Sec. 7. ~~Section 6 of this act is hereby amended to read as follows:~~

~~Sec. 6. 1. During the period for early voting, an elector may register to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act.~~

~~2. An elector who registers to vote pursuant to this section may vote only on:~~

~~(a) During the period for early voting, at any polling place for early voting; or~~

~~(b) On the day of the primary or general election day at:~~

~~[(a)] (1) A polling place established pursuant to section 2 of this act, if one has been established in the county in which the elector has registered to vote; or~~

~~[(b)] (2) The polling place for his or her election precinct.~~

~~3. The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election. (Deleted by amendment.)~~

**Sec. 8. 1. ~~After~~ After the close of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county ~~where~~ or city, as applicable, in which the elector ~~resides~~ is eligible to vote.**

**2. To register to vote in person during the period for early voting, an elector must:**

**(a) Appear before the close of polls at a polling place ~~in the county~~ for early voting;**

**(b) Complete the application to register to vote by computer using ~~the~~;**

**(1) If authorized by the county or city clerk, a system established pursuant to NRS 293.506 for using a computer to register voters; or**

**(2) The system established by the Secretary of State pursuant to section 11 of this act; and**

**(c) Except as otherwise provided in subsection 3, 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.**

**3. If the ~~elector's~~ driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of ~~an~~ the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:**

**(a) A military identification card;**

**(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;**

**(c) A bank or credit union statement;**

**(d) A paycheck;**

**(e) An income tax return;**

**(f) A statement concerning the mortgage, rental or lease of a residence;**

**(g) A motor vehicle registration;**

**(h) A property tax statement; or**

**(i) Any other document issued by a governmental agency.**

4. ~~Ann~~ Subject to final verification, if an elector ~~who~~ registers to vote in person at a polling place pursuant to this section :

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

~~[(a) A]~~

(1) The determination that the application to register to vote is complete; and

~~[(b)]~~ (2) The verification of the elector's identity and residency ~~f-~~

~~5. An elector who registers to vote] pursuant to this section. ~~may]~~~~

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the ~~[primary election or general]~~ election only at ~~[the]~~ that polling place ~~[at which the elector registers to vote.]~~

~~6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.];~~

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot.

Sec. 9. 1. ~~Ann~~ After the close of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of ~~a primary election or general]~~ the election at any polling place in the county ~~[where]~~ or city, as applicable, in which the elector ~~[resides.]~~ is eligible to vote.

2. To register to vote on the day of the ~~[primary election or general]~~ election, an elector must:

(a) Appear before the close of polls at a polling place in the county ~~f-]~~ or city, as applicable, in which the elector is eligible to vote;

(b) Complete the application to register to vote by computer using ~~[the]~~ :

(1) If authorized by the county or city clerk, a system established pursuant to NRS 293.506 for using a computer to register voters; or

(2) The system established by the Secretary of State pursuant to section 11 of this act; and

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or ~~ann~~ 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.

3. If the ~~[elector's]~~ driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of ~~ann~~ the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;
- (c) A bank or credit union statement;
- (d) A paycheck;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. ~~Any~~ Subject to final verification, if an elector ~~who~~ registers to vote in person at a polling place pursuant to this section :

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

~~(a) A~~

(1) The determination that the application to register to vote is complete; and

~~(b)~~ (2) The verification of the elector's identity and residency ~~f~~

~~5. An elector who registers to vote~~ pursuant to this section . ~~f~~

~~(a)~~

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the ~~primary election or general~~ election only at ~~the~~ that polling place ~~at which the elector registers to vote; and~~

~~(b)~~ ;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot . ~~pursuant to NRS 293.3081.~~

~~6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~

Sec. 9.2. If an elector is deemed to be conditionally registered to vote at a polling place pursuant to sections 5.1 to 9.8, inclusive, of this act, the county clerk shall issue to the elector a voter registration card as described in NRS 293.517 as soon as practicable after final verification.

Sec. 9.4. 1. Each county and city clerk shall establish procedures, approved by the Secretary of State, for:

(a) Carrying out final verification to determine whether a person who cast a provisional ballot was qualified to register to vote and to cast the ballot in the election; and

(b) Keeping each provisional ballot separate from other ballots until such final verification.

2. For the purposes of final verification:

(a) The Secretary of State shall verify that an elector has voted in the election in only one county or city, as applicable, and provide each county and city clerk with a copy of the verification report; and

(b) Each county and city clerk shall verify that an elector has voted in the election at only one polling place in the county or city, as applicable.

Sec. 9.6. 1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and NRS 293C.387.

2. The county or city clerk shall not include any provisional ballot in the unofficial results reported on election night.

3. Beginning on the day following the election, the county or city clerk shall regularly report the results of the counting of the provisional ballots until such counting is completed.

Sec. 9.8. 1. The Secretary of State shall establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person who cast a provisional ballot whether the person's ballot was counted and, if the ballot was not counted, the reason why the ballot was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning a provisional ballot must be restricted to the person who cast the provisional ballot.

Sec. 10. ~~Section 9 of this act is hereby amended to read as follows:~~

~~—Sec. 9. 1. An elector may register to vote in person on the day of a primary election or general election at any polling place in the county where the elector resides.~~

~~—2. To register to vote on the day of the primary election or general election, an elector must:~~

~~—(a) Appear before the close of polls at a polling place in the county;~~

~~—(b) Complete the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act; and~~

~~—(c) Except as otherwise provided in subsection 3, 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.~~

~~—3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~

- ~~—(a) A military identification card;~~
- ~~—(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;~~
- ~~—(c) A bank or credit union statement;~~
- ~~—(d) A paycheck;~~
- ~~—(e) An income tax return;~~
- ~~—(f) A statement concerning the mortgage, rental or lease of a residence;~~
- ~~—(g) A motor vehicle registration;~~
- ~~—(h) A property tax statement; or~~
- ~~—(i) Any other document issued by a governmental agency.~~

~~4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:~~

- ~~—(a) A determination that the application to register to vote is complete; and~~
- ~~—(b) The verification of the elector's identity and residency.~~

~~5. An elector who registers to vote pursuant to this section [:~~

~~—(a) May] may vote in the primary election or general election only at the polling place at which the elector registers to vote. [; and~~

~~—(b) Must vote by casting a provisional ballot pursuant to NRS 293.3081.]~~

~~6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.]~~

**(Deleted by amendment.)**

**Sec. 10.3. As used in this section, NRS 293.3081 to 293.3086, inclusive, and section 10.6 of this act, unless the context otherwise requires:**

**1. "Provisional ballot" means a provisional ballot cast by a person pursuant to this section, NRS 293.3081 to 293.3086, inclusive, and section 10.6 of this act.**

**2. The term does not include a provisional ballot cast by a person pursuant to sections 5.1 to 9.8, inclusive, of this act.**

**Sec. 10.6. If a person casts a provisional ballot pursuant to this section, NRS 293.3081 to 293.3086, inclusive, and section 10.3 of this act, the provisional ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.**

**Sec. 11. 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:**

- (a) Preregister and register to vote;**
- (b) Cancel his or her preregistration or voter registration;**
- (c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and**



(d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

(b) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

(c) Inform any person who ~~registers~~ uses the system to register to vote ~~[during the period for early voting using the system established] for an election pursuant to [this section] sections 6, 8 and 9 of this act that [he or she] the person may vote in the election only [vote at a polling place at which he or she is entitled to vote on election day.] if the person complies with the applicable requirements established by those sections.~~

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

(a) The qualifications to register or preregister to vote;

(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and

(c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

(a) Any additional warnings regarding the penalties for submitting a false application; or

(b) The notice set forth in NRS 225.083.

Sec. 12. 1. At the time the Department of Motor Vehicles notifies a person of the qualifications to vote in this State pursuant to section 3 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the Department shall provide the person with a paper form on which the person may:

(a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and

(b) Elect to indicate a political party affiliation.

2. The form provided by the Department pursuant to subsection 1 must include a notice informing the person:

(a) Of the information required pursuant to paragraphs (b) and (c) of subsection 2 of section 3 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative; and

(b) That the person may return the completed form ~~fr~~

~~(1) At~~ at the end of his or her transaction with the Department by depositing the form in the secured container provided by the Department pursuant to subsection 3. ~~fr or~~

~~(2) Mail the form back to the Department within 15 business days after his or her transaction with the Department.]~~

3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.

4. For the purposes of sections 4 and 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative ~~[, the]~~:

(a) If a person deposits the completed form in the secured container at the end of his or her transaction with the Department and has not affirmatively declined in the form to be registered to vote or have his or her voter registration updated:

(1) The Department shall be deemed to have collected the information contained in the form from ~~the~~ the person ~~for~~

~~(a) On the day the Department receives the form, if the form is returned within 15 business days after~~ during his or her transaction with the Department; ~~for~~

~~(b) On the 16th business day, if the form is not returned within 15 business days after~~ and

(2) The person shall be deemed to have consented to the transmission of that information and the other information and documents collected during his or her transaction with the Department ~~for~~

~~5-~~ to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(b) If a person does not ~~return to the Department~~ deposit the form ~~provided pursuant to this section within 15 business days~~

~~(a)~~ in the secured container at the end of his or her transaction with the Department:

(1) The person shall be deemed to have consented to the transmission of the information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information ~~of the person for the purpose of correcting~~ in order to correct the statewide voter registration list pursuant to NRS 293.530 ~~for~~

~~(b)~~ , if necessary.

(2) The appropriate county clerk shall list the person's political party as nonpartisan ~~for~~, unless the person is already a registered voter listed as affiliated with a political party in the person's existing voter registration information.

Sec. 13. 1. Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:

(a) It shall be deemed that the transmittal is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; and

(c) *The county clerk must reject the application and may not register that person to vote.*

**Sec. 13.5. NRS 293.093 is hereby amended to read as follows:**

293.093 “Regular votes” means the votes cast by registered voters, except votes cast by:

1. An absent ballot;
2. A provisional ballot pursuant to sections 5.1 to 9.8, inclusive, of this act; or
3. A provisional ballot ~~+~~ pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act.

**Sec. 14. 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~~:

1. Contains a list of ~~eligible~~ registered 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~~ registered voter who applies to vote at a polling place; or
2. Is to be used for obtaining the signature of each elector who applies to register to vote and applies to vote at a polling place pursuant to ~~section 9 or 80~~ sections 5.1 to 9.8, inclusive, of this act. ~~It contains a list of eligible voters.~~

**Sec. 15. ~~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 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 pursuant to section 8, 9, 79 or 80 of this act, contains a list of eligible voters. (Deleted by amendment.)~~

**Sec. 15.5. NRS 293.126 is hereby amended to read as follows:**

293.126 1. The provisions of sections 5.1 to 9.8, inclusive, of this act apply to city elections.

2. The other provisions of this chapter, not inconsistent with the provisions of chapter 293C of NRS or a city charter, also apply to city elections.

**Sec. 16. NRS 293.1273 is hereby amended to read as follows:**

293.1273 ~~In any county where registrations are performed and records are kept by computer, a~~ A facsimile of a voter’s signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this title.

**Sec. 17. ~~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 subsection 2 of NRS 293.4855 [or], NRS 293.517 or subsection 7 of NRS 293.5235 [.] or section 9 or 80 of this act. (Deleted by amendment.)~~

**Sec. 18.** ~~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 subsection 2 of NRS 293.4855, NRS 293.517 or subsection 7 of NRS 293.5235 or section 8, 9, 79 or 80 of this act. (Deleted by amendment.)~~

**Sec. 19.** NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary

of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; ~~or~~

(b) *A person registers to vote using the system established by the Secretary of State pursuant to section 11 of this act; or*

(c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

**Sec. 20.** NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

~~4. The names of the candidates.~~

~~5. A list of the offices to which the candidates seek nomination or election.]~~

↪ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

**Sec. 21.** NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not ~~f~~

~~(a) Require~~ **require** the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier. ~~f~~ ~~or~~

~~(b) Assign more than one trainee to serve as an election board officer in any one polling place.~~

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

**Sec. 21.5. NRS 293.227 is hereby amended to read as follows:**

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may ~~f~~

~~(a) The election board of any polling place include more than one trainee; or~~

~~(b) A~~ **a** trainee serve as chair of the election board.

3. The county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

**Sec. 22. NRS 293.250 is hereby amended to read as follows:**

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of ~~f~~ ~~a~~ :

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) **The system established by the Secretary of State pursuant to section 11 of this act for using a computer to register voters.**

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

**Sec. 23.** NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution ~~or~~ **or** constitutional amendment ~~for~~ ~~statewide measure~~ which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.



2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy of any such constitution or amendment is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

~~5. Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.~~

~~—6. The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions ~~or~~ constitutional amendments ~~for statewide measures~~ is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.~~

**Sec. 24.** 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 during any period for early voting or on election day if the voter is waiting in line to vote or register to vote at this or her a polling place at which ~~he or she~~ the voter is entitled to vote or register to vote ~~before 7 p.m.~~ at the time that the polls close 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.

**Sec. 25.** NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for :

(a) Any ~~any~~ partisan office , **or any nonpartisan office ~~for~~ other than** the office of ~~judge of a district court, judge of the Court of Appeals or justice of the Supreme Court,~~ **member of a town advisory board.** the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election . ~~;~~

~~—(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and~~

~~—(e)}~~ (b) The office of member of a town advisory board, the candidate must be declared elected to the office , and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for ~~for~~ **the** primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. 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. ~~It is except that if one of those candidates receives a majority of the votes cast in the primary election for:~~

~~(a) The **any nonpartisan office, including the** office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.~~

~~(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.~~

**Sec. 26.** NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law, ~~or~~ NRS 293.316 ~~for 293.3165~~ or chapter 293D of NRS;

(c) Is disabled;

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

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~(e)~~ (f) Requests an absent ballot in person at the office of the county clerk.

**Sec. 27.** 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 section 9 or 80~~ ***sections 5.1 to 9.8, inclusive, 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.

**Sec. 28.** ~~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 section 8, 9, 79 or 80 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. 29.** 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 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.

—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+ from:

(a) Registered voters who apply to vote at the polling place; and  
(b) Electors who apply to register to vote and apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

—3. No person , other than election board officers engaged in receiving, preparing or depositing ballots or registering electors, 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.

Sec. 30. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

1. *Except as otherwise provided in subsection 2, an election board may not 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~~ :*

(a) *The roster designated for registered voters who apply to vote at the polling place ~~+~~ ; and*

(b) *The roster designated for electors who apply to register to vote and apply to vote at the polling place pursuant to ~~section 9 or 80~~ sections 5.1 to 9.8, inclusive, of this act.*

2. *For a polling place established pursuant to section 2 or 73 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.*

Sec. 31. ~~[NRS 293.275 is hereby amended to read as follows:~~

~~—293.275— 1. Except as otherwise provided in subsection 2, an election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it:~~

~~—(a) The roster for the polling place; and~~

~~—(b) The roster designated for electors who register to vote pursuant to section 8, 9, 79 or 80 of this act.~~

~~—2. For a polling place established pursuant to section 2 or 73 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable. ~~+~~ (Deleted by amendment.)~~

Sec. 32. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541 ~~+~~ and sections 5.1 to 9.8, inclusive, of this act, if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293.525 , ~~for if the person registered to vote on the day of the primary election or general election pursuant to section 9 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 that county in the current election.***

**Sec. 33.** NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 ~~††~~ **and sections 5.1 to 9.8, inclusive, of this act.** a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster or signature card, ~~††~~ verify the signature of the voter in the manner set forth in NRS 293.277 ~~††~~ **and verify that the registered voter has not already voted in that county in the current election.**

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 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 preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

**Sec. 34.** 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 ~~this or her~~ a polling place ~~+~~ **at which he or she is entitled to vote.**

**Sec. 35.** NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;
2. Information concerning the date and hours of operation of the polling place;
3. Instructions for voting and casting a ballot, including a provisional ballot, ~~+~~ **pursuant to sections 5.1 to 9.8, inclusive, of this act or a provisional ballot pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act;**
4. Instructions concerning the identification required for persons who registered by mail **or computer** and are first-time voters for federal office in this State;
5. Information concerning the accessibility of polling places to persons with disabilities;
6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and
7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

**Sec. 36.** 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 **in line** to **apply to** vote ~~+~~ **at the polling place;** or

(b) ~~Persons~~ **Electors** waiting **in line** to register to vote ~~+~~ **and apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act,**

~~the doors of the polling place must be closed after all such those registered voters persons and electors have been admitted to the polling place. Voting, and, if applicable, the registration of voters, those electors and the voting by those registered voters and electors must continue until those voters persons have voted.~~ **all such registration and voting has been completed.**



2. 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 ~~and~~ **or the registration of voters.**

**Sec. 37.** NRS 293.3081 is hereby amended to read as follows:

293.3081 ~~1.1~~ A person at a polling place may cast a provisional ballot in an election ~~to vote for a candidate for federal office~~ **pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act** 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.]~~

**Sec. 38.** 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;
- (c) 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)~~ **off** 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 ~~§~~ 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 ~~§~~ 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**

~~—(c) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices.~~

**Sec. 39.** 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.

~~Sec. 40. 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] I 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. 41. 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~~

~~(c) 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 (c) of subsection [3] I of NRS 293.3081* not be counted, and the provisional ballot was cast pursuant to *paragraph (c) of subsection [3] I 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. 42. NRS 293.3095 is hereby amended to read as follows:~~

~~293.3095 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:~~

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

- (1) Identify the person who is distributing the form; and
- (2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~14~~ **28** days before distributing such a form, provide to the county clerk of each county to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the county and of the first date on which the forms will be distributed;

(c) Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~24~~ **35** days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

**Sec. 43.** NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter may request an absent ballot if, before 5 p.m. on the ~~seventh~~ **14th** calendar day preceding the election, the registered voter:

- (a) Provides sufficient written notice to the county clerk; and
- (b) Has identified himself or herself to the satisfaction of the county clerk.

2. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 44.** NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter ~~[with a physical disability or]~~ who ~~is at least 65 years of age and~~ provides sufficient written notice to the appropriate county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election other than a special city election that is conducted after the date the written statement is submitted to the county clerk.

(b) Inform the applicable city clerk of receipt of the written statement. Upon receipt of the notice from the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the date the city clerk receives notice from the county clerk.

3. If, at the direction of the registered voter ~~††~~ ***with a physical disability or who is at least 65 years of age***, a person:

(a) Marks and signs an absent ballot issued to the registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A county clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~††~~

(b) The county clerk cancels the registration of the person pursuant NRS 293.527, 293.530, 293.535 or 293.540 ~~††~~; ***or***

(c) ***An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.***

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

**Sec. 45.** NRS 293.317 is hereby amended to read as follows:

293.317 ~~†Absent†~~

**1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, ~~received~~ must be:**

(a) ***Delivered by hand to the county or city clerk ~~after~~ before the time set for closing of the polls ~~are closed~~ pursuant to NRS 293.273; or***

(b) ***Mailed to the county or city clerk and postmarked on or before the day of election. ~~are invalid.~~***

**2. If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.**

**Sec. 46.** NRS 293.325 is hereby amended to read as follows:

293.325 **1.** Except as otherwise provided in ~~subsection 2 and~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall ***check the signature in accordance with the following procedure:***

(a) *The county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the county clerk.*

(b) *If at least two employees in the office of the county clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the county clerk shall ~~immediately~~ contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.*

~~[(c) If the voter does not respond to the county clerk within 3 days, the county clerk shall deem the signature to be the signature of the voter.]~~

2. *Except as otherwise provided in subsection 3, if the county clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:*

(a) *No absent ballot central counting board has been appointed, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.*

~~{2. Except as otherwise provided in NRS 293D.200, if an}~~

(b) *An absent ballot central counting board has been appointed, ~~when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot,~~ the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.*

3. *If the county clerk determines when checking the signature of the voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the county clerk shall contact the absent voter and advise the voter of the procedures to ~~sign the return envelope~~ provide a signature established pursuant to subsection 4. ~~The voter may sign.~~ For the absent ballot ~~not later than the third day following the election. If~~ to be counted, the absent voter ~~then signs the return envelope on or before 5 p.m. on the third day following the election, the county clerk shall deposit the voted~~*

~~ballot~~ **must provide a signature within the period for the counting of absent ballots pursuant to ~~the requirements of~~ subsection 2 ~~f~~ of NRS 293.333.**

**4. Each county clerk shall prescribe ~~a procedure~~ procedures for a voter who did not sign the return envelope of an absent ballot to:**

- (a) Contact the voter;**
- (b) Allow the voter to ~~sign the return envelope~~ provide a signature; and**
- (c) ~~Ensure~~ After a signature is provided, ensure the ~~signed~~ absent ~~ballots are~~ ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.**

**Sec. 47.** NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

- (a) Provides satisfactory identification;
- (b) Is a registered voter who is otherwise entitled to vote; and
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316 and 293.3165, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates

the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 48.** NRS 293.333 is hereby amended to read as follows:

293.333 **1.** Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

~~1-1~~ **(a)** The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~2-1~~ **(b)** The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~3-1~~ **(c)** If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~4-1~~ **(d)** The election board officers shall indicate in the roster "Voted" by the name of the voter.

**2.** *Counting of absent ballots must continue ~~until all absent ballots have been received by the county clerk or until the votes must be canvassed by the board of county commissioners pursuant to NRS 293.387, whichever occurs first,~~ through the seventh day following the election.*

**Sec. 49.** 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 extends through the Friday before election day, Sundays and federal holidays excepted.

**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] during the period for early voting, for at least 8 hours during such hours as the county clerk [so requires.] may establish.~~

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~[between 10 a.m. and 6 p.m.] during such hours as the county clerk may establish.~~



(c) If the county clerk includes a Sunday that falls within the period for early voting, pursuant to subsection 2, during such hours as the county clerk may establish.

**Sec. 50.** 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.

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.

**5. *The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the county clerk after the schedule is published pursuant to this section.***

**Sec. 51.** NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 ~~and~~ **sections 5.1 to 9.8, inclusive, of this act,** 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~~ **or** a signature card ~~for the roster designated for electors who register to vote during the period for early voting pursuant to section 8 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 that county** 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 that county 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.

**Sec. 52.** 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 ~~[during the period for early voting]~~ and applied to vote at the polling place pursuant to ~~[section 8]~~ sections 5.1 to 9.8, inclusive, of this act.***

(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.

**Sec. 52.2. NRS 293.387 is hereby amended to read as follows:**

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the ~~sixth working~~ **10th** day following the election.

2. In making its canvass, the board shall:

- (a) Note separately any clerical errors discovered; and
- (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

- (a) A copy of the certified abstract; and
  - (b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,
- and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

**Sec. 52.4. NRS 293.393 is hereby amended to read as follows:**

293.393 1. On or before the ~~sixth working~~ **10th** day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

**Sec. 53.** 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 **or places** at which the registered voter is ~~required~~ **entitled** to cast a ballot; and

(b) 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) 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.

**Sec. 54.** 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 ~~44~~ **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.

**Sec. 54.5. NRS 293.4695 is hereby amended to read as follows:**

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

- (1) Any known reason for the malfunction;
- (2) The length of time during which the mechanical voting system could not be used;
- (3) Any remedy for the malfunction which was used at the time of the malfunction; and
- (4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) **The number of provisional ballots cast pursuant to sections 5.1 to 9.8, inclusive, of this act.**

**(h) The number of provisional ballots cast pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act** and the reason for the casting of each such provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

**Sec. 55.** NRS 293.485 is hereby amended to read as follows:

293.485 1. Every citizen of the United States, 18 years of age or over, who has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:

- (a) Primary election;
- (b) Primary city election;
- (c) General election; or
- (d) General city election,

↪ and who has registered in the manner provided in this chapter, is entitled to vote at that election.

2. *Every citizen of the United States, who is 17 years of age and who will be 18 years of age on or before the date of the general election or general city election and has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:*

- (a) Primary election; or*
- (b) Primary city election,*

↪ *and who has preregistered in the manner provided in this chapter, is entitled to vote at that election.*

3. This section does not exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding:

- (a) Primary election;
- (b) Primary city election;
- (c) General election;
- (d) General city election; or
- (e) Any other election.

**Sec. 56.** 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 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. ~~¶ 1~~ *Except as otherwise provided in subsections 3 and 4, a person who preregisters to vote ~~he or she~~ shall be deemed to be a registered voter on his or her 18th birthday. ~~unless:~~*

3. *Except as otherwise provided in subsection 4, a person who preregisters to vote shall be deemed a registered voter only for the purposes of voting in any primary election or primary city election, if he or she will be 18 years of age on or before the date of the next general election or general city election, as applicable. The county clerk shall include any such person in the roster of registered voters for a primary election or primary city election.*

4. *A person shall not be deemed a registered voter pursuant to subsection 2 or 3 if:*

(a) The person's preregistration has been cancelled as described in subsection ~~7~~ 9; or

(b) Except as otherwise provided in NRS 293D.210, *at the time of the primary election or primary city election or* on the person's 18th birthday, *as applicable*, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

~~¶ 3~~ 5. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 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~~ 6. On the date that a person who preregisters to vote is deemed to be registered to vote ~~¶~~ *pursuant to subsection 2*, his or her application to preregister to vote is deemed to be his or her application to register to vote.

~~¶ 5~~ 7. 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~~ 8. 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~~ 9. 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~~ 10. 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~~ 11. 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 the person is

~~immediately~~ issued a voter registration card *as soon as practicable* and *is immediately* 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.

**Sec. 57.** NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must:

(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and

(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

**3. *Regardless of whether a county clerk establishes a system pursuant to subsection 1, the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to section 11 of this act.***

**Sec. 58.** NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are



deemed to be applications to register to vote pursuant to *subsection 2 of* NRS 293.4855.

**Sec. 59.** 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 ~~†~~ *using the system:*

(1) *Established by the Secretary of State pursuant to section 11 of this act; or*

(2) *Established by the county clerk, 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 ~~for 293.3083~~ to 293.3086, inclusive, and sections 10.3 and 10.6 of this act. For the purposes of this subsection, a voter registration card issued pursuant to subsection ~~†~~ 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 ~~in person on the day of an election~~ pursuant to ~~section 9 or 80~~ sections 5.1 to 9.8, inclusive, of this act.*

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.

~~†~~ 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.

~~†~~ 5. 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 ~~†~~ **using the system:**

**(1) Established by the Secretary of State pursuant to section 11 of this act; or**

**(2) Established by the county clerk,** 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.

**Sec. 60.** ~~{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 using the system:~~

~~(1) Established by the Secretary of State pursuant to section 11 of this act; or~~

~~(2) Established by the county clerk, 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 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 in person on the day of an election pursuant to section 8, 9, 79 or 80 of this act.~~

~~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.~~

~~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.~~

~~5. 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 using the system:~~
  - ~~— (1) Established by the Secretary of State pursuant to section 11 of this act; or~~
  - ~~— (2) Established by the county clerk, 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.~~
- ~~— 6. Except as otherwise provided in subsection 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.~~
- ~~— 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.~~
- ~~— 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 293.485 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 293.485 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 7, if applicable. **(Deleted by amendment.)**~~

**Sec. 61.** 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 ~~or~~ **using the system established by the Secretary of State pursuant to section 11 of this act or any system established by the county clerk**, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote. 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~~:

(1) **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.

(2) **Using the system established by the Secretary of State pursuant to section 11 of this act.**

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.

**Sec. 62.** NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(3) The voter does not respond; and

(4) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

(3) Whether a person to whom a notice is mailed appears to vote in an election,

↪ for not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to *subsection 2 of* NRS 293.4855.

**Sec. 63.** NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.



↪ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to *subsection 3 of* NRS 293.4855.

**Sec. 64.** 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, ~~+~~ **and sections 5.1 to 9.8, inclusive, of this act:**

(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.

***(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the ~~first~~ 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 ~~19 and 80~~ 5.1 to 9.8, inclusive, 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 election or a recall 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 ~~f. In~~ or paragraph (b) of subsection 1, except that 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~~ this period if approved by the board of county commissioners.*

~~††~~ 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 ~~f. The~~, except that the* office of the county clerk may close at 5 p.m. during this period 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.

~~††~~ 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.

~~††~~ 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.

~~††~~ 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.

Sec. 65. ~~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.~~

~~— (4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the last 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 8, 9, 79 and 80 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.~~

~~— 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.~~

~~— 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.~~

~~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.~~

~~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. 66.** 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 ~~at~~ :

(1) A roster containing the registered voters eligible to vote at the polling place ~~at~~; and

(2) ~~A roster designated for electors who register to vote for the day of the election and apply to vote at the polling place pursuant to section 9 or 80 sections 5.1 to 9.8, inclusive, of this act; and~~

(b) *Each* polling place established pursuant to section 2 or 73 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.

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.

**Sec. 67.** ~~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:~~

~~(a) Each polling place:~~

~~(1) A roster containing the registered voters eligible to vote at the polling place; and~~

~~(2) A roster designated for electors who register to vote during the period for early voting pursuant to section 8 or 79 of this act; and~~

~~(3) A roster designated for electors who register to vote on the day of the election pursuant to section 9 or 80 of this act; and~~

~~(b) Each polling place established pursuant to section 2 or 73 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.~~

~~2. The 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. 68.** NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word “Incumbent” must appear on the ballot next to the name of the candidate who is the incumbent, the word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the

sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~+~~ **or places**. If the location of the polling place **or places** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE **OR PLACES**  
HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place **or places** and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~or~~ *or places*.

13. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

**Sec. 69.** NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. *The Department of Motor Vehicles shall ensure that its database:*

*(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and*

*(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.*

7. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~7.~~ 8. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

**Sec. 70.** 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.

**Sec. 71.** 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.

**Sec. 72.** Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 73 to 81, inclusive of this act.

**Sec. 73. 1.** *A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

*2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.*

**Sec. 74. 1.** *Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 73 of this act, the city clerk must:*

*(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.*

*(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of 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 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. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

*3. No additional polling place may be established pursuant to section 73 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.*

**Sec. 75. 1.** *For each polling place established pursuant to section 73 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

*2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.*

Sec. 76. 1. *Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 73 of this act, if any, the election board officer shall:*

- (a) Determine that the person is a registered voter in the city and has not already voted in that city in the current election;*
- (b) Instruct the voter to sign the roster or a signature card; and*
- (c) Verify the signature of the voter in the manner set forth in NRS 293C.270.*

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 293C.270 other than the card issued to the voter at the time he or she 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.*

5. *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 where he or she applies to vote.*

6. *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 voting device for the voter;*
- (b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and*
- (c) Allow the voter to cast a vote.*

7. *A voter applying to vote at a polling place established pursuant to section 73 of this act, if any, may be challenged pursuant to NRS 293C.292.*

~~Sec. 77. 1. During the period for early voting, an elector may register to vote by submitting an application to preregister or register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act.~~

~~2. An elector who registers to vote pursuant to this section may vote only on the day of the primary city election or general city election at:~~

- ~~(a) A polling place established pursuant to section 73 of this act, if one has been established in the city in which the elector has registered to vote;~~

~~(b) The polling place for his or her election precinct.~~  
~~3. The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~  
~~4. The provisions of this section do not apply to a city election if all ballots must be cast by mail pursuant to NRS 293C.112.] (Deleted by amendment.)~~

Sec. 78. ~~[Section 77 of this act is hereby amended to read as follows:~~

~~—Sec. 77. 1. During the period for early voting, an elector may register to vote by submitting an application to preregister or register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act.~~

~~—2. An elector who registers to vote pursuant to this section may vote [only on] +~~

~~—(a) During the period for early voting, at any polling place in the city; and~~

~~—(b) On the day of the primary city election or general city election at:~~

~~—[(a)] (1) A polling place established pursuant to section 73 of this act, if one has been established in the city in which the elector has registered to vote; or~~

~~—[(b)] (2) The polling place for his or her election precinct.~~

~~—3. The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~

~~—4. The provisions of this section do not apply to a city election if all ballots must be cast by mail pursuant to NRS 293C.112.] (Deleted by amendment.)~~

Sec. 79. ~~[H. An elector may register to vote in person at any polling place for early voting by personal appearance in the city where the elector resides.~~

~~—2. To register to vote in person during the period for early voting, an elector must:~~

~~—(a) Appear before the close of polls at a polling place in the city;~~

~~—(b) Complete the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act;~~

~~—(c) Except as otherwise provided in subsection 3, 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.~~

~~—3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~

- ~~—(a) A military identification card;~~
  - ~~—(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;~~
  - ~~—(c) A bank or credit union statement;~~
  - ~~—(d) A paycheck;~~
  - ~~—(e) An income tax return;~~
  - ~~—(f) A statement concerning the mortgage, rental or lease of a residence;~~
  - ~~—(g) A motor vehicle registration;~~
  - ~~—(h) A property tax statement; or~~
  - ~~—(i) Any other document issued by a governmental agency.~~
- ~~4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:~~
- ~~—(a) A determination that the application to register to vote is complete; and~~
  - ~~—(b) The verification of the elector's identity and residency.~~
- ~~5. An elector who registers to vote 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.~~
- ~~6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~
- ~~7. 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. 80. ~~1. Except as otherwise provided in subsection 7, on the day of a primary city election or general city election, an elector may register to vote in person at any polling place in the county where the elector resides.~~

~~2. To register to vote 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;~~
- ~~—(b) Complete the application to register to vote using the system established by the Secretary of State pursuant to section 11 of this act; and~~
- ~~—(c) Except as otherwise provided in subsection 3, 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.~~

~~3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~

- ~~—(a) A military identification card;~~

- ~~—(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;~~
- ~~—(c) A bank or credit union statement;~~
- ~~—(d) A paycheck;~~
- ~~—(e) An income tax return;~~
- ~~—(f) A statement concerning the mortgage, rental or lease of a residence;~~
- ~~—(g) A motor vehicle registration;~~
- ~~—(h) A property tax statement; or~~
- ~~—(i) Any other document issued by a governmental agency.~~
- ~~4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:~~
  - ~~—(a) A determination that the application to register to vote is complete; and~~
  - ~~—(b) The verification of the elector's identity and residency.~~
- ~~5. An elector who registers to vote pursuant to this section:~~
  - ~~—(a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and~~
  - ~~—(b) Must vote by casting a provisional ballot pursuant to NRS 293.3081.~~
- ~~6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~
- ~~7. 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. 81. [Section 80 of this act is hereby amended to read as follows:

- ~~—Sec. 80. 1. Except as otherwise provided in subsection 7, on the day of a primary city election or general city election, an elector may register to vote in person at any polling place in the county where the elector resides.~~
- ~~—2. To register to vote 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;~~
  - ~~—(b) Complete the application to register to vote using the system established by the Secretary of State pursuant to section 11 of this act; and~~
  - ~~—(c) Except as otherwise provided in subsection 3, 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.~~
- ~~—3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:~~
  - ~~—(a) A military identification card;~~

~~(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;~~

~~(c) A bank or credit union statement;~~

~~(d) A paycheck;~~

~~(e) An income tax return;~~

~~(f) A statement concerning the mortgage, rental or lease of a residence;~~

~~(g) A motor vehicle registration;~~

~~(h) A property tax statement; or~~

~~(i) Any other document issued by a governmental agency.~~

~~4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:~~

~~(a) A determination that the application to register to vote is complete; and~~

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

~~5. An elector who registers to vote pursuant to this section:~~

~~(a) May ~~may~~ vote in the primary city election or general city election only at the polling place at which the elector registers to vote.;~~ and

~~(b) Must vote by casting a provisional ballot pursuant to NRS 293.3081.;~~

~~6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.~~

~~7. 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. 82.** 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 ~~8 and 79~~ 5.1 to 9.8, inclusive, 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).

**Sec. 83.** 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 [6 and 9]~~ 5.1 to 9.8, inclusive, of this act, NRS 293C.265 to 293C.302, inclusive, ~~and section 80 of this act,~~ 293C.304 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, ~~and section 77 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.

**Sec. 84.** ~~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 6 and 9 of this act, NRS 293C.265 to 293C.302, inclusive, and section 80 of this act, 293C.304 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, and [section] sections 77 and 78 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. 84.5.** 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. 84.6. 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 ~~at the~~ primary city election and placed on all ballots for ~~at 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 ~~at 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. 85.** NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation



published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
- ~~4. The names of the candidates.~~
- ~~5. A list of the offices to which the candidates seek nomination or election.~~

**Sec. 86.** NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

- (a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;
  - (b) Enrolled in high school; and
  - (c) At the time of service, at least 16 years of age.
2. The city clerk may only appoint a pupil as a trainee if:
- (a) The pupil is appointed without party affiliation;
  - (b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;
  - (c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;
  - (d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and
  - (e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not ~~+~~

~~(a) Require~~ **require** the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier. ~~+~~

~~(b) Assign more than one trainee to serve as an election board officer in any one polling place.~~

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

**Sec. 87.** NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law, ~~for~~ NRS 293C.317 ~~for 293C.318~~ or chapter 293D of NRS;

(c) Is disabled;

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

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~(e)~~ (f) Requests an absent ballot in person at the office of the city clerk.

**Sec. 88.** 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 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.~~

~~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 ~~from~~

4. ~~from:~~

(a) Registered voters who apply to vote at the polling place; and

(b) Electors who apply to register to vote and apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.

~~3.~~ No person, other than election board officers engaged in receiving, preparing or depositing ballots or registering electors, 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.

**Sec. 89.** NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272 ~~and~~ sections 5.1 to 9.8, inclusive, of this act, if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293C.525 ~~for~~ if the person registered to vote or updated his or her voter registration information on the day of a city election pursuant to section 80 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.

**3. *The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in that city in the current election.***

**Sec. 90.** NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272 ~~and~~ **and sections 5.1 to 9.8, inclusive, of this act,** a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster or signature card, ~~and~~ verify the signature of the voter in the manner set forth in NRS 293C.270 ~~and~~ **and verify that the registered voter has not already voted in that city in the current election.**

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.

**Sec. 91.** 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.~~

**Sec. 92.** 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 *in line* to vote ~~at the polling place;~~ or

(b) ~~Persons~~ *Electors waiting in line to register to vote and apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act,*

the doors of the polling place must be closed after all those *registered voters* ~~persons~~ and *electors* have been admitted to the polling place. ~~Voting, and if applicable, the~~ *The registration of voters, those electors and the voting by those registered voters and electors* must continue until ~~those voters persons have voted.~~ *all such registration and voting has been completed.*

2. 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 ~~or the registration of voters.~~

**Sec. 93.** NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~14~~ 28 days before distributing such a form, provide to the city clerk of each city to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the city and of the first date on which the forms will be distributed;

(c) Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~24~~ 35 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

**Sec. 94.** NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter may request an absent ballot if, before 5 p.m. on the ~~seventh~~ 14th calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the city clerk; and

(b) Has identified himself or herself to the satisfaction of the city clerk.

2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the primary and general elections immediately following the date on which the city clerk received the request.

3. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 95.** NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter ~~with a physical disability or~~ who ~~is at least 65 years of age and~~ provides sufficient written notice to the appropriate city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the date the written statement is submitted to the city clerk.

(b) Inform the county clerk of receipt of the written statement. Upon receipt of the notice from the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election that is not a city election that is conducted after the date the county clerk receives notice from the city clerk.

3. If, at the direction of the registered voter ~~with a physical disability or who is at least 65 years of age~~, a person:

(a) Marks and signs an absent ballot issued to a registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A city clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~or~~

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 293.535 or 293.540 ~~with~~; **or**

(c) **An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.**

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

**Sec. 96.** NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall *check the signature in accordance with the following procedure:*

(a) *The city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the city clerk.*

(b) *If at least two employees in the office of the city clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the city clerk shall ~~immediately~~ contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.*

~~[(c) If the voter does not respond within 3 days to the city clerk, the signature shall be presumed to belong to the voter.]~~

2. *Except as otherwise provided in subsection 3, if the city clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:*

(a) *No absent ballot central counting board has been appointed, the city clerk shall* neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

~~[2. Except as otherwise provided in NRS 293D.200, if an]~~

(b) *An absent ballot central counting board has been appointed, ~~when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot,~~ the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.*

3. If the city clerk determines when checking the signature of the absent voter pursuant to subsection 1 that the absent voter ~~has neglected to~~ did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the city clerk shall contact the absent voter and advise the absent voter of the procedures to ~~sign the return envelope~~ provide a signature established pursuant to subsection 4. ~~The~~ For the absent ballot ~~must be signed by~~ to be counted, the absent voter ~~not later than~~ must provide a signature within the ~~third working day following the election. If the absent voter then signs the return envelope, the city clerk shall deposit the voted ballot~~ period for the counting of absent ballots pursuant to ~~the requirements of~~ subsection 2 ~~of~~ of NRS 293C.332.

4. Each city clerk shall prescribe procedures for a voter who ~~has neglected to~~ did not sign the return envelope of an absent ballot to:

(a) Contact the voter;

(b) Allow the voter to ~~sign the unsigned return envelope;~~ provide a signature; and

(c) ~~Count~~ After a signature is provided, ensure the absent ballot ~~if it is signed after the absent ballots have been~~ is delivered to the appropriate election board or the absent ballot central counting board, as applicable.

Sec. 97. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317 and 293C.318, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 98.** NRS 293C.332 is hereby amended to read as follows:

293C.332 *1.* Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

~~1-1~~ (a) The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~2-1~~ (b) The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~3-1~~ (c) If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~4-1~~ (d) The election board officers shall indicate in the roster "Voted" by the name of the voter.

*2. Counting of absent ballots must continue ~~until all absent ballots have been received by the city clerk at such times as designated by the city clerk until the votes must be canvassed by the board of county commissioners pursuant to NRS 293C.387.~~ through the seventh day following the election.*

**Sec. 99.** NRS 293C.355 is hereby amended to read as follows:

293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, ~~and section 80~~ sections 5.1 to 9.8, inclusive, of this act relating to early voting 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.

**Sec. 100.** ~~NRS 293C.355 is hereby amended to read as follows:~~

~~293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, and section 80 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. 101.** 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 extends through the Friday before election day, Sundays and federal holidays excepted.

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, for at least 8 hours during such hours as the city clerk so requires, may establish.~~

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~between 10 a.m. and 6 p.m.~~ **during such hours as the city clerk may establish.**

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

**Sec. 102.** 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.

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.

**5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the city clerk after the schedule is published pursuant to this section.**

**Sec. 103.** NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272, ~~it~~ **and sections 5.1 to 9.8, inclusive, of this act,** 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 ~~it~~ or a signature card ~~for the roster designated for electors who register to vote during the period for early voting pursuant to section 79 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 that city** 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.

**Sec. 104.** 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 ~~during the period for early voting~~ and applied to vote at the polling place pursuant to ~~section 79~~ sections 5.1 to 9.8, inclusive, of this act.**

(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.

**Sec. 104.5. NRS 293C.387 is hereby amended to read as follows:**

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall

immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the ~~sixth working~~ 10th day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

**Sec. 105.** 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, ~~+~~ **and sections 5.1 to 9.8, inclusive, of this act:**

(a) For a primary city election or general city election, or a recall or special **city** 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:

(I) 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.

(II) 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~~ **the** primary city election or general city election.

***(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the ~~last~~ Thursday preceding the first day of the period for early voting.***

(b) If a recall or special **city** 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 **city** election by any means is the third Saturday preceding the recall or special **city** election.

2. ***Except as otherwise provided in sections ~~19 and 80~~ 5.1 to 9.8, inclusive, 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 **a recall 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 ~~+~~ or paragraph (b) of subsection 1, except that in** a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. **during this period** if approved by the governing body of the city.

~~+~~ **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††~~, except that the office of the city clerk may close at 5 p.m. during this period 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.

~~††~~ 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.

~~††~~ 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.

Sec. 106. ~~††NRS 293C.527 is hereby amended to read as follows:~~

~~293C.527 1. Except as otherwise provided in NRS 293.502, 293D.220 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:~~

~~(I) 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;~~

~~(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS~~

~~203C.110, is the third Tuesday preceding any primary city election or general city election.~~

~~—(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the last day of the period for early voting.~~

~~—(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 8, 9, 79 and 80 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.~~

~~—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.~~

~~—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.~~

~~—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. 107.** NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~+~~ **or places**. If the location of the polling place **or places** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE **OR PLACES**  
HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.



7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~†~~ *or places*.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

**Sec. 108.** NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided *in sections 5.1 to 9.8, inclusive, of this act or* 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 ~~rosters~~ county clerk shall prepare for each polling place a roster designated for electors who apply to register to vote ~~on the day of the city election~~ and apply to vote at the polling place pursuant to ~~section 80~~ sections 5.1 to 9.8, inclusive, of this act.~~

4. *Except at otherwise provided in section 73 of this act, the 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.

**Sec. 109.** ~~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 [a]:~~

~~(a) A roster designated for electors who register to vote during the period for early voting pursuant to section 79 of this act; and~~

~~(b) A roster designated for electors who register to vote on the day of the city election pursuant to section 80 of this act.~~

~~4. Except as otherwise provided in section 73 of this act, the 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.~~

~~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. 110.** NRS 293C.715 is hereby amended to read as follows:

293C.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 *or 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 *or places* at which the registered voter is ~~required~~ **entitled** to cast a ballot; ~~and~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.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.

**Sec. 111.** NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection ~~{4}~~ 5 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled,

of the provisions of NRS 293C.281, 293C.282, 293C.310, 293C.317 and 293C.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.

**Sec. 112.** NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks . ~~and they shall publish them in accordance with the provisions of law requiring county clerks to publish statewide measures pursuant to NRS 293.253.~~

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: “Shall the statute (setting out its title) be approved?”

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

**Sec. 112.2. NRS 295.056 is hereby amended to read as follows:**

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk’s county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person’s statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than ~~the~~

~~(a) Except as otherwise provided in paragraph (b), the second Tuesday in November of an even numbered year.~~

~~(b) If the second Tuesday in November of an even numbered year is the day of the general election, the next working day after~~ **the 15th day following** the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the ~~third Tuesday in June of an even-numbered year.~~ **15th day following the primary election.**

4. If the petition is for referendum, the document or documents must be submitted not later than the ~~third Tuesday in June of an even-numbered year.~~ **15th day following the primary election.**

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

**Sec. 112.5. NRS 306.040 is hereby amended to read as follows:**

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the Secretary of State to strike the person's name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote *in order* to qualify to vote in the special election ~~+~~ **pursuant to NRS 293.560 or NRS 293C.527;**

(b) The last day on which a petition to nominate other candidates for the office may be filed; and

(c) Whether any person is entitled to vote in the special election *in a mailing precinct or an absent ballot mailing precinct* pursuant to NRS 293.343 to 293.355, inclusive, ~~+~~ **or NRS 293C.345 to 293C.352, inclusive.**

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification

required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

**Sec. 113.** NRS 225.083 is hereby amended to read as follows:

225.083 1. ~~The~~ ***Except as otherwise provided in section 11 of this act,*** ***the*** Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.

Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office 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 1 year and a maximum term of not more than 5 years and may be further punished by a fine of not more than \$10,000. Additionally, any person who knowingly offers any false or forged instrument for filing in this office may also be subject to civil liability.

Pursuant to NRS 205.397, any person who presents for filing in this office a lien against the real or personal property of a public officer, candidate for public office, public employee or participant in an official proceeding, or a member of the immediate family of a public officer, candidate for public office, public employee or participant, which is based on the performance of or failure to perform a duty relating to the office, employment or participation by the public officer, candidate for public office, public employee or participant if the person knows or has reason to know that the lien is forged or fraudulently altered, contains a false statement of material fact or is being filed in bad faith or for the purpose of harassing or defrauding any person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$150,000. The person may also be subject to civil liability.

2. The Secretary of State may adopt regulations prescribing procedures to prevent the filing in his or her office of:

- (a) False, fraudulent, fraudulently altered or forged documents.
- (b) Documents that contain a false statement of material fact.
- (c) Documents that are filed in bad faith or for the purpose of harassing or defrauding a person.

**Sec. 114.** NRS 239.330 is hereby amended to read as follows:

239.330 ~~1A1~~

**1. Except as otherwise provided in subsection 2, a person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, is guilty of a category C felony and shall be punished as provided in NRS 193.130.**

**2. The provisions of subsection 1 do not apply to a person who is punishable pursuant to NRS 293.800.**

**Sec. 115.** NRS 349.017 is hereby amended to read as follows:

349.017 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.

**Sec. 116. Section 16 of the Charter of Boulder City is hereby amended to read as follows:**

Section 16. Induction of Council into office; meetings of Council.

1. The City Council shall meet within ~~ten days~~ **the time set forth in NRS 293C.387** after each city primary election and each city general election specified in Article IX, ~~1, to~~ **and** canvass the returns and ~~to~~ declare the results. All newly elected or reelected Mayor or Council

Members shall be inducted into office at the next regular Council meeting following certification of the applicable city general election results. Immediately following such induction, the Mayor pro tem shall be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-1987; Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add. 24; Amd. 1; 6-3-2003)

A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15; Amd. 1; 6-4-1991)

2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council shall be in accordance with chapter 241 of the Nevada Revised Statutes. (Add. 10; Amd. 1; 6-2-1981)

3. Any emergency meeting of the City Council, as defined by chapter 241, shall be as provided therein, and in addition:

(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.

(b) Prior notice of such an emergency meeting shall be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-1981)

**Sec. 117. 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 ~~8,~~ 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 ~~18.1~~ 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)~~

~~7.1~~ 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)

~~8.1~~ 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.

~~9.1~~ 8. If the City Council adopts an ordinance pursuant to subsection ~~18.1~~ 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.

~~10.1~~ 9. If the City Council adopts an ordinance pursuant to subsection ~~18.1~~ 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.

~~11.1~~ 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. 118. 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. 119. 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 ~~16 working days~~ **the time set forth in NRS 293C.387** 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 July 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. 120. 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. 121. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, 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 is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~on or before the sixth working day~~ **within the time set forth in NRS 293C.387** after an 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, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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. 122. 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. 123. 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. 124. Section 5.100 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:**

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the 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 Board.

2. The Board shall meet within ~~10 days~~ ***the time set forth in NRS 293C.387*** after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the 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 Board.

3. The 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 January next following their election.

**Sec. 125. 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 ~~herewith~~ ***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. 126. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, 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 a municipal 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 the returns are canvassed by the City Council.

2. The City Council shall meet within ~~16 working days~~ ***the time set forth in NRS 293C.387*** after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City

Clerk for 2 years, 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 first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her 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. 127. 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. 128. 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 ~~here~~ **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. 129. 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~~ **the time set forth in NRS 293C.387** 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 so elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of 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. 130. 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. 131. 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. 132. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:**

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within ~~10 days~~ **the time set forth in NRS 293C.387** after any election, ~~it~~ **and** 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 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 who is declared to be elected a certificate of election. The officers who have been elected shall qualify and enter upon the discharge of their respective duties 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.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

**Sec. 133. 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.

~~It~~ 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. 134. 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. 135. Section 5.100 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, 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~~ the time set forth in NRS 293C.387 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 1.060, the officers so elected shall qualify and enter upon the discharge of their respective duties at the first meeting of the City Council held in December of the year of 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. 136. 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. 137. 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. 138. 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~~ **the time set forth in NRS 293C.387** 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 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. 139. 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, or~~ **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. 140. 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. 141. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, 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 election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within ~~10 days~~ **the time set forth in NRS 293C.387** 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, 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 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 as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and

diamonds. The City Clerk shall issue to the winner a certificate of election.

**Sec. 142. 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.

~~1.1~~ 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. 143. 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 ~~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 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. 144. 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~~ **the time set forth in NRS 293C.387** 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. 145. 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. 146. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, 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 must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~on or before the sixth working day~~ within the time set forth in NRS 293C.387 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, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

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 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members 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. 147. 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 ~~herewith~~ 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. 148. 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~~ **the time set forth in NRS 293C.387** 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 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. 116.~~ **Sec. 149.** 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. 150. 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. 151. NRS 293.082 is hereby repealed.**

~~Sec. 117.~~ **Sec. 152.** ~~[1. This section and sections 1 to 6, inclusive, 9, 11 to 14, inclusive, 16, 17, 19 to 27, inclusive, 29, 30, 32 to 50, inclusive, 53 to 59, inclusive, 61 to 64, inclusive, 66, 68 to 77, inclusive, 80, 83, 85 to 99, inclusive, 101, 102, 105, 107, 108 and 110 to 116, inclusive of this act become] **This act becomes** effective:~~

~~(a)~~ **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

~~(b)~~ **2.** On January 1, 2020, for all other purposes.

~~2. Sections 7, 8, 10, 15, 18, 28, 31, 51, 52, 60, 65, 67, 78, 79, 81, 82, 84, 100, 103, 104, 106 and 109 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 January 1, 2022, for all other purposes.]~~

#### **TEXT OF REPEALED SECTION**

**293.082 “Provisional ballot” defined. “Provisional ballot” means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.**

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 583.

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; authorizing an elector to register to vote during the period for early voting and on the day of certain elections and setting forth the requirements for such registration; requiring the Secretary of State to establish a system for voter registration on the Internet website of the Secretary of State and setting forth certain requirements for that system; requiring the Department of Motor Vehicles to provide a form to decline voter registration or indicate a political party affiliation after concluding certain transactions with the Department; requiring a county clerk to reject certain applications to register to vote that are automatically transmitted to the county clerk by the Department of Motor Vehicles; revising requirements to publish certain information relating to elections in a newspaper; revising certain provisions relating to a student trainee serving as election board officer; 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; revising certain deadlines related to absent ballots; authorizing a registered voter to request an absentee ballot for all elections; revising certain other requirements for absent ballots; revising the hours for early voting; authorizing county and city clerks to extend the hours for early voting after the hours have been published; **establishing certain protections for private property owners who rent private property for use as a polling place**; authorizing certain persons who are 17 years of age to vote at a primary city election or primary election under certain circumstances; establishing certain requirements for the database of the Department of Motor Vehicles relating to processing and verifying voter registration information; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill authorizes a county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. **Section 3** of this bill requires the county clerk to publicize the location of such polling places. **Section 4** of this bill requires the county clerk to prepare a roster of registered

voters in the county for any such polling place. **Section 5** of this bill sets forth the procedure for a person to vote in person at any such polling place. **Sections 73-76** of this bill set forth corresponding provisions authorizing city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election.

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 64 and 105** of this bill extend the deadline for registering to vote by computer to authorize an elector to register to vote by computer during the period for early voting using the application to register to vote provided on the website of the Office of the Secretary of State. **Sections 6 and 77** of this bill provide that an elector who registers to vote during the period for early voting may only vote on election day. **Sections 7 and 78** of this bill amend **sections 6 and 77** to provide that, effective January 1, 2022, a person who registers to vote by computer during the period for early voting may vote during the period of early voting or on election day.

**Sections 9 and 80** of this bill authorize an elector to register to vote in person for a primary, primary city, general or general city election on the day of the election. To register to vote, **sections 9 and 80** require an elector to appear at a polling place on election day, complete an application to register to vote by computer and provide proof of identity and residence. Upon completion of the application and verification of identity and residence, the elector is deemed registered to vote and may vote in that election only at the polling place at which he or she registered to vote and must vote by casting a provisional ballot.

Effective January 1, 2022, **sections 8 and 79** of this bill authorize an elector to register to vote in person for a primary, primary city, general or general city election during the period for early voting. **Sections 10 and 81** of this bill revise the requirements for same day registration on the day of an election to provide that the elector may vote by casting a regular ballot rather than a provisional ballot.

**Section 11** of this bill requires the Secretary of State to establish a system for voter registration on the Internet website of the Office of the Secretary of State and sets forth certain requirements for the system.

Existing law requires the Department of Motor Vehicles to collect certain information from a person who does not decline to apply to register to vote and transmit that information to the county clerk of the county in which the person resides to register that person to vote or update his or her voter registration information. (2018 Ballot Question No. 5, Automatic Voter Registration Initiative) **Section 12** of this bill requires the Department to

provide a person with a form that allows the person to: (1) affirmatively decline to be registered to vote or have his or her voter registration updated; and (2) indicate a political party affiliation. The form may be returned by the person: (1) immediately after his or her transaction with the Department to a secured container within the Department; or (2) within 15 business days after concluding the transaction with the Department. **Section 12** further provides that if a person fails to return the form within 15 business days, that person will be deemed to have consented to the transmission of his or her information and the Department will transmit his or her voter registration information to the county clerk who will list the person's political party as nonpartisan. **Section 13** of this bill provides that the county clerk must review the voter registration information transmitted by the Department to determine whether the person is eligible to vote. If the county clerk determines the person is not eligible to vote, **section 13** provides that the voter registration information shall be deemed not to be a complete application to register to vote and that person shall be deemed not to have applied to register to vote.

Existing law requires the county clerk and city clerk to publish certain information relating to a primary election or general election in a newspaper of general circulation. (NRS 293.203, 293.253, 293C.187) **Sections 20, 85 and 112** of this bill remove the requirement for a county and city clerk to publish the names of the candidates and offices to which the candidates seek nomination or election. **Section 23** of this bill removes the requirement for a county clerk to publish a condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note.

Existing law prohibits a county clerk or city clerk from assigning more than one student trainee to serve as an election board officer to any one polling place. (NRS 293.2175, 293C.222) **Sections 21 and 86** of this bill remove that prohibition so that more than one student trainee may be assigned to a polling place.

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 voter registration list; (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 37-39** 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.

Existing law requires a person who will distribute forms to request absent ballots to provide written notice to the county or city clerk within 14 days of distributing the forms and mail the forms not later than 21 days before the election. (NRS 293.3095, 293C.306) **Sections 42 and 93** of this bill revise the time periods to require the person to provide notice to the county or city clerk within 28 days of distributing the forms and to mail the forms not later than 35 days before an election.

Existing law requires a registered voter, with limited exceptions, to request an absent ballot by 5 p.m. on the seventh calendar day preceding a primary, primary city, general or general city election. (NRS 293.313, 293C.310) **Sections 43 and 94** of this bill revise the deadline to require a person to request an absent ballot by 5 p.m. on the 14th day preceding an election.

Existing law authorizes a registered voter with a physical disability or who is at least 65 years of age to submit a written request to the appropriate county or city clerk to receive an absent ballot for all elections at which the registered voter is eligible to vote. (NRS 293.3165, 293C.318) **Sections 44 and 95** of this bill instead provide that any registered voter may submit a written request to receive an absent ballot for all elections at which the registered voter is eligible to vote.

Existing law requires that an absent ballot be received by the county or city clerk by the time the polls close on the day of an election. (NRS 293.317) **Section 45** of this bill instead provides that an absent ballot must be: (1) delivered by hand to the county or city clerk by the time set for the closing of the polls; or (2) mailed to the county or city clerk and postmarked on or before the day of an election.

Existing law establishes a process for a county or city clerk to follow upon receiving an absent ballot from a registered voter. (NRS 293.325, 293C.325) **Sections 46 and 96** of this bill revise this process: (1) to require the county clerk to check the signature on the envelope of an absent ballot against all signatures of the voter in the records of the county clerk; (2) if two employees of the office of the county clerk question whether the signature matches, the county clerk must contact the voter to ask whether it is the signature of the voter; and (3) if the voter does not respond, the signature is presumed to belong to the voter. **Sections 46 and 96** further require the county and city clerks to contact a voter who has neglected to sign the return envelope of an absent ballot.

Existing law requires a permanent polling place for early voting by personal appearance at a primary or general election to remain open: (1) on Monday through Friday during the first week of early voting, from 8 a.m. to 6 p.m.; (2) on Monday through Friday during the second week of early voting, from 8 a.m. to 6 p.m. or 8 p.m.; and (3) on any Saturday during early voting, for at least 4 hours between 10 a.m. to 6 p.m. (NRS 293.3568, 293C.3568) **Sections 49 and 101** of this bill revise the hours a polling place must remain open during the period for early voting: (1) on Monday through Friday during early voting, for at least 8 hours during such times as the county or city clerk may establish;

and (2) on any Saturday during early voting, for at least 4 hours during such times as the county or city clerk may establish.

Existing law requires the county clerk and city clerk to publish the dates and hours that early voting will be conducted at each permanent and temporary polling place for early voting. (NRS 293.3576, 293C.3576) **Sections 50 and 102** of this bill provide that the county clerk or city clerk may extend the hours that early voting will be conducted after the hours have been published.

**Existing law authorizes a county or city clerk to rent privately owned locations to be designated as a polling place on election day. (NRS 293.437) Section 52.6 of this bill provides that the legal rights and remedies of the owner or lessor of the private property to be rented as a location to be used as a polling place are not impaired or affected by renting the property.**

Existing law authorizes persons who are 17 years old and who meet certain eligibility requirements to preregister to vote. (NRS 293.4855) **Sections 55 and 56** of this bill authorize a 17 year-old who will be 18 years of age on or before the date of the next general city or general election to vote in the primary city election or primary election. **Section 25** of this bill revises the requirements for certain names to be omitted from a ballot for the general election to instead require the names of all candidates to appear on the ballot for the general election to ensure that any candidate voted upon by a 17 year-old at a primary city election or primary election is not declared elected to the office at the primary city election or primary election.

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list, which, among other requirements, must be coordinated with the databases of the Department of Motor Vehicles. (NRS 293.675) **Section 69** of this bill: (1) requires the Department of Motor Vehicles to ensure that its database is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as feasible; and (2) prohibits the Department of Motor Vehicles from limiting the number of applications or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

**Sec. 2. 1.** *A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.*

**2.** *Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.*

**Sec. 3. 1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:**

**(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.**

**(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of 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. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.**

**3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.**

**Sec. 4. 1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.**

**2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.**

**Sec. 5. 1. Except as otherwise provided in NRS 293.283, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:**

**(a) Determine that the person is a registered voter in the county and has not already voted in that county in the election;**

**(b) Instruct the voter to sign the roster or a signature card; and**

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

**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.**

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 that county in the current election.*

5. *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 where he or she applies to vote.*

6. *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 voting device for the voter;*

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

*(c) Allow the voter to cast a vote.*

7. *A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.*

Sec. 6. 1. *During the period for early voting, an elector may register to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act.*

2. *An elector who registers to vote pursuant to this section may vote only on the day of the primary or general election day at:*

*(a) A polling place established pursuant to section 2 of this act, if one has been established in the county in which the elector has registered to vote; or*

*(b) The polling place for his or her election precinct.*

3. *The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election.*

Sec. 7. Section 6 of this act is hereby amended to read as follows:

Sec. 6. 1. During the period for early voting, an elector may register to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act.

2. An elector who registers to vote pursuant to this section may vote ~~only on~~ :

*(a) During the period for early voting, at any polling place for early voting; or*

*(b) On the day of the primary or general election day at:*

~~(a)~~ (1) A polling place established pursuant to section 2 of this act, if one has been established in the county in which the elector has registered to vote; or

~~(b)~~ (2) The polling place for his or her election precinct.



3. The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election.

**Sec. 8. 1. An elector may register to vote in person at any polling place for early voting by personal appearance in the county where the elector resides.**

**2. To register to vote in person during the period for early voting, an elector must:**

**(a) Appear before the close of polls at a polling place in the county;**

**(b) Complete the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act; and**

**(c) Except as otherwise provided in subsection 3, 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.**

**3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:**

**(a) A military identification card;**

**(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;**

**(c) A bank or credit union statement;**

**(d) A paycheck;**

**(e) An income tax return;**

**(f) A statement concerning the mortgage, rental or lease of a residence;**

**(g) A motor vehicle registration;**

**(h) A property tax statement; or**

**(i) Any other document issued by a governmental agency.**

**4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:**

**(a) A determination that the application to register to vote is complete; and**

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

**5. An elector who registers to vote 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.**

**6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.**

**Sec. 9. 1. An elector may register to vote in person on the day of a primary election or general election at any polling place in the county where the elector resides.**

*2. To register to vote on the day of the primary election or general election, an elector must:*

- (a) Appear before the close of polls at a polling place in the county;*
- (b) Complete the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act; and*
- (c) Except as otherwise provided in subsection 3, 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.*

*3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:*

- (a) A military identification card;*
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;*
- (c) A bank or credit union statement;*
- (d) A paycheck;*
- (e) An income tax return;*
- (f) A statement concerning the mortgage, rental or lease of a residence;*
- (g) A motor vehicle registration;*
- (h) A property tax statement; or*
- (i) Any other document issued by a governmental agency.*

*4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:*

- (a) A determination that the application to register to vote is complete; and*
- (b) The verification of the elector's identity and residency.*

*5. An elector who registers to vote pursuant to this section:*

- (a) May vote in the primary election or general election only at the polling place at which the elector registers to vote; and*
- (b) Must vote by casting a provisional ballot pursuant to NRS 293.3081.*

*6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.*

**Sec. 10.** Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. An elector may register to vote in person on the day of a primary election or general election at any polling place in the county where the elector resides.

2. To register to vote on the day of the primary election or general election, an elector must:

- (a) Appear before the close of polls at a polling place in the county;

(b) Complete the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act; and

(c) Except as otherwise provided in subsection 3, 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.

3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

(g) A motor vehicle registration;

(h) A property tax statement; or

(i) Any other document issued by a governmental agency.

4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:

(a) A determination that the application to register to vote is complete; and

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

5. An elector who registers to vote pursuant to this section ~~†~~

~~†~~ ~~(a) May~~ **may** vote in the primary election or general election only at the polling place at which the elector registers to vote. ~~† and~~

~~†~~ ~~(b) Must vote by casting a provisional ballot pursuant to NRS 293.3081.†~~

6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.

**Sec. 11. 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:**

**(a) Preregister and register to vote;**

**(b) Cancel his or her preregistration or voter registration;**

**(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and**

*(d) Determine at what polling place or places he or she is entitled to vote.*

*2. The system established pursuant to subsection 1 must:*

*(a) Be user friendly;*

*(b) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and*

*(c) Inform any person who registers to vote during the period for early voting using the system established pursuant to this section that he or she may only vote at a polling place at which he or she is entitled to vote on election day.*

*3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:*

*(a) The qualifications to register or preregister to vote;*

*(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and*

*(c) The penalties for submitting a false application.*

*4. The Secretary of State shall not include on the system:*

*(a) Any additional warnings regarding the penalties for submitting a false application; or*

*(b) The notice set forth in NRS 225.083.*

*Sec. 12. 1. At the time the Department of Motor Vehicles notifies a person of the qualifications to vote in this State pursuant to section 3 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the Department shall provide the person with a paper form on which the person may:*

*(a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and*

*(b) Elect to indicate a political party affiliation.*

*2. The form provided by the Department pursuant to subsection 1 must include a notice informing the person:*

*(a) Of the information required pursuant to paragraphs (b) and (c) of subsection 2 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative; and*

*(b) That the person may return the completed form:*

*(1) At the end of his or her transaction by depositing the form in the secured container provided by the Department pursuant to subsection 3; or*

*(2) Mail the form back to the Department within 15 business days after his or her transaction with the Department.*

*3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.*

*4. For the purposes of sections 4 and 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the Department shall be deemed to have collected the information from a person:*

*(a) On the day the Department receives the form, if the form is returned within 15 business days after his or her transaction with the Department; or*

*(b) On the 16th business day, if the form is not returned within 15 business days after his or her transaction with the Department.*

*5. If a person does not return to the Department the form provided pursuant to this section within 15 business days:*

*(a) The person shall be deemed to have consented to the transmission of information to the Secretary of State and the county clerks for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530.*

*(b) The county clerk shall list the person's political party as nonpartisan.*

**Sec. 13. 1.** *Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, to determine whether the person is eligible to register to vote in this State.*

*2. If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:*

*(a) It shall be deemed that the transmittal is not a completed voter registration application;*

*(b) It shall be deemed that the person did not apply to register to vote; and*

*(c) The county clerk must reject the application and may not register that person to vote.*

**Sec. 14.** 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 pursuant to section 9 or 80 of this act, contains a list of eligible voters.*

**Sec. 15.** 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 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 pursuant to section 8, 9, ~~79~~ or 80 of this act, contains a list of eligible voters.

**Sec. 16.** NRS 293.1273 is hereby amended to read as follows:

293.1273 ~~In any county where registrations are performed and records are kept by computer, a~~ A facsimile of a voter's signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this title.

**Sec. 17.** 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 *subsection 2 of NRS 293.4855* ~~or~~, NRS 293.517 or subsection 7 of NRS 293.5235 ~~or section 9 or 80 of this act.~~

**Sec. 18.** 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 subsection 2 of NRS 293.4855, NRS 293.517 or subsection 7 of NRS 293.5235 or section 8, 9, **79** or 80 of this act.

**Sec. 19.** NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary

of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer; ~~or~~

(b) *A person registers to vote using the system established by the Secretary of State pursuant to section 11 of this act; or*

(c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature,

↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

**Sec. 20.** NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

~~4. The names of the candidates.~~

~~5. A list of the offices to which the candidates seek nomination or election.~~

↪ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

**Sec. 21.** NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;

(b) Enrolled in high school; and

(c) At the time of service, at least 16 years of age.

2. The county clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and



(e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not ~~f-~~

~~—(a) Require~~ **require** the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier. ~~f-or~~

~~—(b) Assign more than one trainee to serve as an election board officer in any one polling place.~~

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

**Sec. 22.** NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of ~~f-a~~ :

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) ***The system established by the Secretary of State pursuant to section 11 of this act for using a computer to register voters.***

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum

must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

**Sec. 23.** NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution ~~or~~ <sup>or</sup> constitutional amendment ~~for statewide measure~~ which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy of any such constitution or amendment is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

5. ~~Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to~~

~~be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.~~

~~6.1~~ The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions ~~or~~ ~~or~~ constitutional amendments ~~for statewide measures~~ is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

**Sec. 24.** 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 or register to vote* at ~~this or her~~ a polling place *at which he or she is entitled* to vote *or register to vote* before 7 p.m. 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.

**Sec. 25.** NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary

election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for ~~†~~:

~~—(a) Any~~ **any** partisan office, **nonpartisan office** or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election. ~~†~~

~~—(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; 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. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. 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~~ **any nonpartisan office, including the** office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

~~†(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.†~~

**Sec. 26.** NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law , ~~for~~ NRS 293.316 ~~for 293.3165~~ or chapter 293D of NRS;

(c) Is disabled;

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

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~(e)~~ (f) Requests an absent ballot in person at the office of the county clerk.

**Sec. 27.** 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 section 9 or 80 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.

**Sec. 28.** 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 section 8, 9, ~~79~~ or 80 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.

**Sec. 29.** 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 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.~~

~~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.~~ 3. 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.

**Sec. 30.** NRS 293.275 is hereby amended to read as follows:

293.275 ~~No~~

1. *Except as otherwise provided in subsection 2, an election board may not 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~~:*

(a) *The roster for the polling place ~~is~~; and*

(b) *The roster designated for electors who register to vote pursuant to section 9 or 80 of this act.*

2. *For a polling place established pursuant to section 2 or 73 of this act, an election board may perform its duty in serving registered voters at the*

*polling place in an election if the election board has before it the roster for the county or city, as applicable.*

**Sec. 31.** NRS 293.275 is hereby amended to read as follows:

293.275 1. Except as otherwise provided in subsection 2, an election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it:

(a) The roster for the polling place; and

(b) The roster designated for electors who register to vote pursuant to section 8, 9, ~~79~~ or 80 of this act.

2. For a polling place established pursuant to section 2 or 73 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.

**Sec. 32.** 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, ~~and~~ if the person provides an affirmation pursuant to NRS 293.525 ~~and~~ *or if the person registered to vote on the day of the primary election or general election pursuant to section 9 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.***

**Sec. 33.** NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283, a registered voter applying to vote shall state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster or signature card, ~~and~~ verify the signature of the voter in the manner set forth in NRS 293.277 ~~and~~ *and verify that the registered voter has not already voted in the current election.*

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 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 preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

**Sec. 34.** 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.**

**Sec. 35.** NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot;

4. Instructions concerning the identification required for persons who registered by mail **or computer** and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

**Sec. 36.** 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) **Persons waiting to register to vote,**

→ the doors of the polling place must be closed after all such ~~voters~~ **persons** have been admitted to the polling place. Voting, **and, if applicable, the registration of voters,** must continue until those ~~voters~~ **persons** have voted.

2. 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 ~~};~~ **or the registration of voters.**

**Sec. 37.** 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:

~~};~~ (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;

~~};~~ (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

~~};~~ (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.**

**Sec. 38.** 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;

(c) 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.~~

**Sec. 39.** 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.

**Sec. 40.** 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 ~~1~~ **I** 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.

**Sec. 41.** 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

(c) 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 (c) of subsection ~~31~~ 1* of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to *paragraph (c) of subsection ~~31~~ 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.

**Sec. 42.** NRS 293.3095 is hereby amended to read as follows:

293.3095 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~14~~ 28 days before distributing such a form, provide to the county clerk of each county to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the county and of the first date on which the forms will be distributed;

(c) Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~21~~ 35 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

**Sec. 43.** NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter may request an absent ballot if, before 5 p.m. on the ~~seventh~~ 14th calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 44.** NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter ~~[with a physical disability or]~~ who ~~is at least 65 years of age and~~ provides sufficient written notice to the appropriate

county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election other than a special city election that is conducted after the date the written statement is submitted to the county clerk.

(b) Inform the applicable city clerk of receipt of the written statement. Upon receipt of the notice from the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the date the city clerk receives notice from the county clerk.

3. If, at the direction of the registered voter ~~+~~ **with a physical disability or who is at least 65 years of age**, a person:

(a) Marks and signs an absent ballot issued to the registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A county clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~or~~

(b) The county clerk cancels the registration of the person pursuant NRS 293.527, 293.530, 293.535 or 293.540 ~~+~~; **or**

(c) **An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.**

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

**Sec. 45.** NRS 293.317 is hereby amended to read as follows:

293.317 ~~+~~ ~~Absent~~

**1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, ~~received~~ must be:**

(a) **Delivered by hand to the county or city clerk ~~after~~ before the time set for closing of the polls ~~are closed~~ pursuant to NRS 293.273; or**

(b) **Mailed to the county or city clerk and postmarked on or before the day of election. ~~are invalid.~~**

**2. If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.**

**Sec. 46.** NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall **check the signature in accordance with the following procedure:**

**(a) The county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the county clerk.**

**(b) If at least two employees in the office of the county clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the county clerk shall immediately contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.**

**(c) If the voter does not respond to the county clerk within 3 days, the county clerk shall deem the signature to be the signature of the voter.**

**2. Except as otherwise provided in subsection 3, if the county clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:**

**(a) No absent ballot central counting board has been appointed, the county clerk shall** neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

~~{2. Except as otherwise provided in NRS 293D.200, if an}~~

**(b) An** absent ballot central counting board has been appointed, ~~{when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot,}~~ the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to

ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

**3. If the county clerk determines when checking the signature of the voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the county clerk shall contact the absent voter and advise the voter of the procedures to sign the return envelope established pursuant to subsection 4. The voter may sign the absent ballot not later than the third day following the election. If the absent voter then signs the return envelope on or before 5 p.m. on the third day following the election, the county clerk shall deposit the voted ballot pursuant to the requirements of subsection 2.**

**4. Each county clerk shall prescribe a procedure for a voter who did not sign the return envelope of an absent ballot to:**

- (a) Contact the voter;**
- (b) Allow the voter to sign the return envelope; and**
- (c) Ensure the signed absent ballots are delivered to the appropriate election board or the absent ballot central counting board, as applicable.**

**Sec. 47.** NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

- (a) Provides satisfactory identification;
- (b) Is a registered voter who is otherwise entitled to vote; and
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.



4. Except as otherwise provided in NRS 293.316 and 293.3165, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 48.** NRS 293.333 is hereby amended to read as follows:

293.333 **1.** Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

~~1-1~~ **(a)** The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~1-2~~ **(b)** The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~1-3~~ **(c)** If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~1-4~~ **(d)** The election board officers shall indicate in the roster "Voted" by the name of the voter.

**2. *Counting of absent ballots must continue until all absent ballots have been received by the county clerk or until the votes must be canvassed by the board of county commissioners pursuant to NRS 293.387, whichever occurs first.***

**Sec. 49.** 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 extends through the Friday before election day, Sundays and federal holidays excepted.

**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]~~ **during the period for early voting, for at least 8 hours during such hours as the county clerk [so requires.] may establish.**

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~between 10 a.m. and 6 p.m.]~~ **during such hours as the county clerk may establish.**

(c) If the county clerk includes a Sunday that falls within the period for early voting, pursuant to subsection 2, during such hours as the county clerk may establish.

**Sec. 50.** 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.

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.

**5. *The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the county clerk after the schedule is published pursuant to this section.***

**Sec. 51.** 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~~ **or the roster designated for electors who register to vote during the period for early voting pursuant to section 8 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.

**Sec. 52.** 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 during the period for early voting pursuant to section 8 of this act.***

(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.

**Sec. 52.6. NRS 293.437 is hereby amended to read as follows:**

293.437 1. The county or city clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any of the precincts or districts in the county or city.

2. If, in the opinion of the county or city clerk, the convenience and comfort of the voters and election officers will be best served by putting two or more polling places in any such building, or if, in the opinion of the county or city clerk, the expense to the county or city for polling places can be diminished by putting two or more polling places in any such building, the county or city clerk may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed \$35 for each election if only one precinct is involved and at a rate not to exceed \$50 for each election if more than one precinct is involved.

**4. 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 polling place pursuant to subsection 3, except to the extent necessary to conduct voting at that location.**

**Sec. 53.** 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 *or places* at which the registered voter is ~~required~~ *entitled* to cast a ballot; and

(b) 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) 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.

**Sec. 54.** 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.

**Sec. 55.** NRS 293.485 is hereby amended to read as follows:

293.485 1. Every citizen of the United States, 18 years of age or over, who has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:

(a) Primary election;

(b) Primary city election;

(c) General election; or

(d) General city election,  
 ↪ and who has registered in the manner provided in this chapter, is entitled to vote at that election.

2. *Every citizen of the United States, who is 17 years of age and who will be 18 years of age on or before the date of the general election or general city election and has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:*

(a) *Primary election; or*

(b) *Primary city election,*

↪ *and who has preregistered in the manner provided in this chapter, is entitled to vote at that election.*

3. This section does not exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding:

(a) Primary election;

(b) Primary city election;

(c) General election;

(d) General city election; or

(e) Any other election.

**Sec. 56.** 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 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. ~~If a~~ *Except as otherwise provided in subsections 3 and 4, a person who preregisters to vote [he or she] shall be deemed to be a registered voter on his or her 18th birthday. [unless]*

3. *Except as otherwise provided in subsection 4, a person who preregisters to vote shall be deemed a registered voter only for the purposes of voting in any primary election or primary city election, if he or she will be 18 years of age on or before the date of the next general election or general city election, as applicable. The county clerk shall include any such person in the roster of registered voters for a primary election or primary city election.*

4. *A person shall not be deemed a registered voter pursuant to subsection 2 or 3 if:*

(a) The person's preregistration has been cancelled as described in subsection ~~7~~ 9; or

(b) Except as otherwise provided in NRS 293D.210, *at the time of the primary election or primary city election or* on the person's 18th birthday, *as applicable,* he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

~~13-1~~ 5. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 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.

~~14-1~~ 6. On the date that a person who preregisters to vote is deemed to be registered to vote ~~1-1~~ **pursuant to subsection 2**, his or her application to preregister to vote is deemed to be his or her application to register to vote.

~~15-1~~ 7. 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.

~~16-1~~ 8. 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.

~~17-1~~ 9. 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.

~~18-1~~ 10. 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.

~~19-1~~ 11. 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 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.

**Sec. 57.** NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must:

(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and

(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

**3. *Regardless of whether a county clerk establishes a system pursuant to subsection 1, the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the***

*system established by the Secretary of State pursuant to section 11 of this act.*

**Sec. 58.** NRS 293.510 is hereby amended to read as follows:

293.510 1. In counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. In any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to *subsection 2 of* NRS 293.4855.

**Sec. 59.** 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 ~~†~~ *using the system:*



**(1) Established by the Secretary of State pursuant to section 11 of this act; or**

**(2) Established by the county clerk,** 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 ~~4~~ 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 in person on the day of an election pursuant to section 9 or 80 of this act.**

**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~~ **5.** 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 ~~1~~ **using the system:**

**(1) Established by the Secretary of State pursuant to section 11 of this act; or**

**(2) Established by the county clerk,** 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~~ 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~~ 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~~ 7, if applicable.

**Sec. 60.** 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 using the system:

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, 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 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 in person on the day of an election pursuant to section 8, 9, 79 or 80 of this act.

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.

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.

5. 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 using the system:

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, 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.

6. Except as otherwise provided in subsection 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.

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.

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 7, if applicable.

**Sec. 61.** 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 ~~††~~ ***using the system established by the Secretary of State pursuant to section 11 of this act or any system established by the county clerk***, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote. 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~~:

(1) **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.

**(2) Using the system established by the Secretary of State pursuant to section 11 of this act.**

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.

**Sec. 62.** NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

(a) County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

(b) A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

(1) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(2) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(3) The voter does not respond; and

(4) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

(3) Whether a person to whom a notice is mailed appears to vote in an election,

↪ for not less than 2 years after creation.

(f) The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to *subsection 2 of* NRS 293.4855.

**Sec. 63.** NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

- (a) The registrant is not a citizen of the United States; or
- (b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

↪ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to *subsection 3 of* NRS 293.4855.

**Sec. 64.** 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.

**(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the last 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 9 and 80 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.

~~15.1~~ **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.

~~16.1~~ **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.

**Sec. 65.** 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.

(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the last 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 8, 9, **79** and 80 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.

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.

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.

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.

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.

**Sec. 66.** 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 ~~at~~:

(1) A roster containing the registered voters eligible to vote at the polling place ~~at~~; and

(2) **A roster designated for electors who register to vote on the day of the election pursuant to section 9 or 80 of this act; and**

(b) **Each polling place established pursuant to section 2 or 73 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.**

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.

**Sec. 67.** 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:

(a) Each polling place:

(1) A roster containing the registered voters eligible to vote at the polling place; ~~and~~

(2) *A roster designated for electors who register to vote during the period for early voting pursuant to section 8 or 79 of this act; and*

(3) A roster designated for electors who register to vote on the day of the election pursuant to section 9 or 80 of this act; and

(b) Each polling place established pursuant to section 2 or 73 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.

2. The 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.

**Sec. 68.** NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~+~~ **or places**. If the location of the polling place **or places** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE **OR PLACES**  
HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or

in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~†~~ *or places*.

13. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

**Sec. 69.** NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;
- (b) Serve as the single method for storing and managing the official list of registered voters in this State;
- (c) Serve as the official list of registered voters for the conduct of all elections in this State;
- (d) Contain the name and registration information of every legally registered voter in this State;
- (e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;
- (f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;
- (g) Be electronically accessible to each state and local election official in this State at all times;
- (h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. ***The Department of Motor Vehicles shall ensure that its database:***

***(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and***

***(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.***

7. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~7.~~ 8. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

**Sec. 70.** 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.

**Sec. 71.** 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.

**Sec. 72.** Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 73 to 81, inclusive of this act.

**Sec. 73. 1. A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.**

**2. Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.**

**Sec. 74. 1. Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 73 of this act, the city clerk must:**

**(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.**

**(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of 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 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. The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

*3. No additional polling place may be established pursuant to section 73 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.*

*Sec. 75. 1. For each polling place established pursuant to section 73 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

*2. The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.*

*Sec. 76. 1. Except as otherwise provided in NRS 293C.272, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 73 of this act, if any, the election board officer shall:*

*(a) Determine that the person is a registered voter in the city and has not already voted in that city in the election;*

*(b) Instruct the voter to sign the roster or a signature card; and*

*(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.*

*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 293C.270 other than the card issued to the voter at the time he or she 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.*

*5. 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 where he or she applies to vote.*

6. *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 voting device for the voter;*
- (b) Ensure that the voter's precinct or voting district and the form of the ballot are indicated on the voting receipt, if the city clerk uses voting receipts; and*
- (c) Allow the voter to cast a vote.*

7. *A voter applying to vote at a polling place established pursuant to section 73 of this act, if any, may be challenged pursuant to NRS 293C.292.*

Sec. 77. 1. *During the period for early voting, an elector may register to vote by submitting an application to preregister or register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act.*

2. *An elector who registers to vote pursuant to this section may vote only on the day of the primary city election or general city election at:*

- (a) A polling place established pursuant to section 73 of this act, if one has been established in the city in which the elector has registered to vote; or*
- (b) The polling place for his or her election precinct.*

3. *The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election.*

4. *The provisions of this section do not apply to a city election if all ballots must be cast by mail pursuant to NRS 293C.112.*

Sec. 78. Section 77 of this act is hereby amended to read as follows:

Sec. 77. 1. During the period for early voting, an elector may register to vote by submitting an application to preregister or register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act.

2. An elector who registers to vote pursuant to this section may vote ~~only on~~ :

*(a) During the period for early voting, at any polling place in the city; and*

*(b) On the day of the primary city election or general city election at:*

~~[(a)]~~ *(1) A polling place established pursuant to section 73 of this act, if one has been established in the city in which the elector has registered to vote; or*

~~[(b)]~~ *(2) The polling place for his or her election precinct.*

3. The county clerk shall issue to a person who registers to vote pursuant to subsection 1 a voter registration card as described in NRS 293.517 as soon as practicable after the election.

4. The provisions of this section do not apply to a city election if all ballots must be cast by mail pursuant to NRS 293C.112.

**Sec. 79. 1. An elector may register to vote in person at any polling place for early voting by personal appearance in the city where the elector resides.**

**2. To register to vote in person during the period for early voting, an elector must:**

**(a) Appear before the close of polls at a polling place in the city;**

**(b) Complete the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act;**

**(c) Except as otherwise provided in subsection 3, 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.**

**3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:**

**(a) A military identification card;**

**(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;**

**(c) A bank or credit union statement;**

**(d) A paycheck;**

**(e) An income tax return;**

**(f) A statement concerning the mortgage, rental or lease of a residence;**

**(g) A motor vehicle registration;**

**(h) A property tax statement; or**

**(i) Any other document issued by a governmental agency.**

**4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:**

**(a) A determination that the application to register to vote is complete; and**

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

**5. An elector who registers to vote 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.**

**6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.**

**7. 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.**

**Sec. 80. 1.** *Except as otherwise provided in subsection 7, on the day of a primary city election or general city election, an elector may register to vote in person at any polling place in the county where the elector resides.*

**2.** *To register to vote 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;*
- (b) Complete the application to register to vote using the system established by the Secretary of State pursuant to section 11 of this act; and*
- (c) Except as otherwise provided in subsection 3, 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.*

**3.** *If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:*

- (a) A military identification card;*
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;*
- (c) A bank or credit union statement;*
- (d) A paycheck;*
- (e) An income tax return;*
- (f) A statement concerning the mortgage, rental or lease of a residence;*
- (g) A motor vehicle registration;*
- (h) A property tax statement; or*
- (i) Any other document issued by a governmental agency.*

**4.** *An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:*

- (a) A determination that the application to register to vote is complete; and*
- (b) The verification of the elector's identity and residency.*

**5.** *An elector who registers to vote pursuant to this section:*

- (a) May vote in the primary city election or general city election only at the polling place at which the elector registers to vote; and*
- (b) Must vote by casting a provisional ballot pursuant to NRS 293.3081.*

**6.** *The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.*

**7.** *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.*

**Sec. 81.** Section 80 of this act is hereby amended to read as follows:

Sec. 80. 1. Except as otherwise provided in subsection 7, on the day of a primary city election or general city election, an elector may

register to vote in person at any polling place in the county where the elector resides.

2. To register to vote 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;
- (b) Complete the application to register to vote using the system established by the Secretary of State pursuant to section 11 of this act; and
- (c) Except as otherwise provided in subsection 3, 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.

3. If the elector's driver's license or identification card issued by the Department of Motor Vehicles does not have the elector's current residential address, the following documents may be used to establish the residency of an elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;
- (c) A bank or credit union statement;
- (d) A paycheck;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. An elector who registers to vote pursuant to this section shall be deemed to be registered to vote upon:

- (a) A determination that the application to register to vote is complete; and
- (b) The verification of the elector's identity and residency.

5. An elector who registers to vote pursuant to this section ~~†~~  
~~—(a) May~~ **may** vote in the primary city election or general city election only at the polling place at which the elector registers to vote. ~~†; and~~  
~~—(b) Must vote by casting a provisional ballot pursuant to NRS 293.3081.†~~

6. The county clerk shall issue to a person who is deemed to be a registered voter pursuant to subsection 4 a voter registration card as described in NRS 293.517 as soon as practicable after the election.

7. 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.

**Sec. 82.** 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 8 and 79 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).

**Sec. 83.** 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 6 and 9 of this act**, NRS 293C.265 to 293C.302, inclusive, **and section 80 of this act**, 293C.304 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, **and section 77 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.

**Sec. 84.** 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 6 and 9 of this act, NRS 293C.265 to 293C.302, inclusive, and section 80 of this act, 293C.304 to 293C.340,

inclusive, and 293C.355 to 293C.361, inclusive, and ~~section~~ **sections 77 and 78** 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.

**Sec. 85.** NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
- ~~4. The names of the candidates.~~
- ~~5. A list of the offices to which the candidates seek nomination or election.~~

**Sec. 86.** NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

- (a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;
  - (b) Enrolled in high school; and
  - (c) At the time of service, at least 16 years of age.
2. The city clerk may only appoint a pupil as a trainee if:
- (a) The pupil is appointed without party affiliation;
  - (b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;
  - (c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;
  - (d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and
  - (e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not ~~f~~

~~—(a) Require~~ **require** the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier.  ~~} or~~

~~—(b) Assign more than one trainee to serve as an election board officer in any one polling place.~~

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

**Sec. 87.** NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

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

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law,  ~~} or~~ NRS 293C.317  ~~} or 293C.318~~ or chapter 293D of NRS;

(c) Is disabled;

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

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~} (f)~~ (f) Requests an absent ballot in person at the office of the city clerk.

**Sec. 88.** 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 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.~~

~~—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.~~ 3. 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.

**Sec. 89.** 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 voter registration information on the day of a city election***



*pursuant to section 80 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.

**3. *The city clerk shall prescribe a procedure, approved by the Secretary of State, to determine that the voter has not already voted in the current election.***

**Sec. 90.** NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272, a registered voter who applies to vote must state his or her name to the election board officer in charge of the roster, and the officer shall immediately announce the name, instruct the voter to sign the roster or signature card, ~~and~~ verify the signature of the voter in the manner set forth in NRS 293C.270 ~~+~~ **and verify that the registered voter has not already voted in the current election.**

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.

**Sec. 91.** 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 ~~this or her~~ a polling place ~~+~~ **at which he or she is entitled to vote.**

**Sec. 92.** 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) **Persons waiting to register to vote,**

↪ the doors of the polling place must be closed after all those ~~voters~~ **persons** have been admitted to the polling place. Voting, **and if applicable, the registration of voters,** must continue until those ~~voters~~ **persons** have voted.

2. 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 ~~+~~ **or the registration of voters.**

**Sec. 93.** NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~14~~ **28** days before distributing such a form, provide to the city clerk of each city to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the city and of the first date on which the forms will be distributed;

(c) Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~21~~ **35** days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

**Sec. 94.** NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter may request an absent ballot if, before 5 p.m. on the ~~seventh~~ **14th** calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the city clerk; and

(b) Has identified himself or herself to the satisfaction of the city clerk.

2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the primary and general elections immediately following the date on which the city clerk received the request.

3. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 95.** NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter ~~with a physical disability or~~ who ~~is at least 65 years of age and~~ provides sufficient written notice to the appropriate city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the date the written statement is submitted to the city clerk.

(b) Inform the county clerk of receipt of the written statement. Upon receipt of the notice from the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election that is not a city election that is conducted after the date the county clerk receives notice from the city clerk.

3. If, at the direction of the registered voter ~~with a physical disability or who is at least 65 years of age,~~ a person:

(a) Marks and signs an absent ballot issued to a registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A city clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~or~~

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 293.535 or 293.540 ~~with a physical disability or~~;

*(c) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.*

5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

**Sec. 96.** NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall *check the signature in accordance with the following procedure:*

*(a) The city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the city clerk.*

*(b) If at least two employees in the office of the city clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the city clerk shall immediately contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.*

*(c) If the voter does not respond within 3 days to the city clerk, the signature shall be presumed to belong to the voter.*

2. *Except as otherwise provided in subsection 3, if the city clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:*

*(a) No absent ballot central counting board has been appointed, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.*

~~{2. Except as otherwise provided in NRS 293D.200, if an}~~

*(b) An absent ballot central counting board has been appointed, ~~when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot,~~ the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by*

the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

**3. If the city clerk determines pursuant to subsection 1 that the absent voter has neglected to sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the city clerk shall contact the absent voter and advise the voter of the procedures to sign the return envelope established pursuant to subsection 4. The absent ballot must be signed by the voter not later than the third working day following the election. If the absent voter then signs the return envelope, the city clerk shall deposit the voted ballot pursuant to the requirements of subsection 2.**

**4. Each city clerk shall prescribe procedures for a voter who has neglected to sign the return envelope of an absent ballot to:**

- (a) Contact the voter;**
- (b) Allow the voter to sign the unsigned return envelope; and**
- (c) Count the absent ballot if it is signed after the absent ballots have been delivered to the appropriate election board or the absent ballot central counting board, as applicable.**

**Sec. 97.** NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

- (a) Provides satisfactory identification;
- (b) Is a registered voter who is otherwise entitled to vote; and
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317 and 293C.318, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

**Sec. 98.** NRS 293C.332 is hereby amended to read as follows:

293C.332 **I.** Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

~~1-1~~ **(a)** The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~1-2~~ **(b)** The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~1-3~~ **(c)** If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~1-4~~ **(d)** The election board officers shall indicate in the roster "Voted" by the name of the voter.

**2. *Counting of absent ballots must continue until all absent ballots have been received by the city clerk at such times as designated by the city clerk until the votes must be canvassed by the board of county commissioners pursuant to NRS 293C.387.***

**Sec. 99.** NRS 293C.355 is hereby amended to read as follows:

293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, **and section 80 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.

**Sec. 100.** NRS 293C.355 is hereby amended to read as follows:

293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, and ~~section~~ **sections 79 and 80** 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.

**Sec. 101.** 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 extends through the Friday before election day, Sundays and federal holidays excepted.

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~~ **during** the ~~{second week} period~~ **period** of early voting ~~†, from 8 a.m. until 6 p.m., or until 8 p.m. if~~ **for at least 8 hours during such hours as** the city clerk ~~{so requires.}~~ **may establish.**

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~{between 10 a.m. and 6 p.m.}~~ **during such hours as the city clerk may establish.**

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

**Sec. 102.** 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.

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.

**5. The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the city clerk after the schedule is published pursuant to this section.**

**Sec. 103.** 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, ~~for~~ a signature card ~~or the roster designated for electors who register to vote during the period for early voting pursuant to section 79 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.
- Sec. 104.** 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 during the period for early voting pursuant to section 79 of this act.***

(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.

**Sec. 105.** 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:

(I) 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.

(II) 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.

**(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the last day of the period for early voting.**

(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 9 and 80 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.

~~†~~ **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.

~~†~~ **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.

~~§~~ **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.

**Sec. 106.** 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:

(I) 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.

(II) 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.

(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the last day of the period for early voting.

(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 8, 9, 79 and 80 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.

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.

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.

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.

**Sec. 107.** NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his

or her polling place ~~+~~ *or places*. If the location of the polling place *or places* has changed since the last election:

- (a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or
- (b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE **OR PLACES**  
HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

- (a) Be prepared in at least 12-point type;
- (b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and
- (c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting

locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~††~~ **or places.**

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

**Sec. 108.** 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 rosters†~~ **county clerk shall prepare for each polling place a roster designated for electors who register to vote on the day of the city election pursuant to section 80 of this act.**

**4. Except at otherwise provided in section 73 of this act, the 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.

~~††~~ 5. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

**Sec. 109.** 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 ~~††~~ :

**(a) A roster designated for electors who register to vote during the period for early voting pursuant to section 79 of this act; and**

**(b) A roster designated for electors who register to vote on the day of the city election pursuant to section 80 of this act.**

4. Except at otherwise provided in section 73 of this act, the 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.

5. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

**Sec. 110.** NRS 293C.715 is hereby amended to read as follows:

293C.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 *or 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 *or places* at which the registered voter is ~~required~~ *entitled* to cast a ballot; ~~and~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.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.

**Sec. 111.** NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection ~~44~~ 5 of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, 293C.317 and 293C.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.

**Sec. 112.** NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks . ~~and they shall publish them in accordance with the provisions of law requiring county clerks to publish statewide measures pursuant to NRS 293.253.~~

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

**Sec. 113.** NRS 225.083 is hereby amended to read as follows:

225.083 1. ~~The~~ ***Except as otherwise provided in section 11 of this act,*** the Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.

Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office 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 1 year and a maximum term of not more than 5 years and may be further punished by a fine of not more than \$10,000. Additionally, any person who knowingly offers any false or forged instrument for filing in this office may also be subject to civil liability.

Pursuant to NRS 205.397, any person who presents for filing in this office a lien against the real or personal property of a public officer, candidate for public office, public employee or participant in an official proceeding, or a member of the immediate family of a public officer, candidate for public office, public employee or participant, which is based on the performance of or failure to perform a duty relating to the office, employment or participation by the public officer, candidate for public office, public employee or participant if the person knows or has reason to know that the lien is forged or fraudulently altered, contains a false statement of material fact or is being filed in bad faith or for the purpose of harassing or defrauding any person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$150,000. The person may also be subject to civil liability.

2. The Secretary of State may adopt regulations prescribing procedures to prevent the filing in his or her office of:

(a) False, fraudulent, fraudulently altered or forged documents.



(b) Documents that contain a false statement of material fact.

(c) Documents that are filed in bad faith or for the purpose of harassing or defrauding a person.

**Sec. 114.** NRS 239.330 is hereby amended to read as follows:

239.330 ~~1A~~

**1. Except as otherwise provided in subsection 2, a person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, is guilty of a category C felony and shall be punished as provided in NRS 193.130.**

**2. The provisions of subsection 1 do not apply to a person who is punishable pursuant to NRS 293.800.**

**Sec. 115.** NRS 349.017 is hereby amended to read as follows:

349.017 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 ~~4~~ 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.

**Sec. 116.** 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. 117.** 1. This section and sections 1 to 6, inclusive, 9, 11 to 14, inclusive, 16, 17, 19 to 27, inclusive, 29, 30, 32 to 50, inclusive, ~~52.6~~, 53 to 59, inclusive, 61 to 64, inclusive, 66, 68 to 77, inclusive, 80, 83, 85 to 99, inclusive, 101, 102, 105, 107, 108 and 110 to 116, 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 necessary to carry out the provisions of this act; and

(b) On January 1, 2020, for all other purposes.

2. Sections 7, 8, 10, 15, 18, 28, 31, 51, 52, 60, 65, 67, 78, 79, 81, 82, 84, 100, 103, 104, 106 and 109 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 January 1, 2022, 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. 421.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 640.

AN ACT relating to construction; revising the definition of “constructional defect”; revising provisions relating to the information required to be included in a notice of a constructional defect; removing provisions requiring the presence of ~~to claimant and~~ an expert during an inspection of an alleged constructional defect; ~~revising~~ **establishing** provisions relating to a claimant pursuing a claim under a ~~homeowner’s~~ **builder’s** warranty; revising provisions governing the tolling of statutes of limitation and repose regarding actions for constructional defects; revising provisions relating to the recovery of damages proximately caused by a constructional defect; increasing the period during which an action for the recovery of certain damages may be commenced; ~~removing~~ **revising** the prohibition against a unit-owners’ association pursuing an action for a constructional defect unless the action pertains exclusively to the common elements of the association; ~~requiring licensed contractors and applicants for the issuance or renewal of a contractor’s license to obtain and provide proof of liability insurance;~~ and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**Section 1** of this bill revises the existing definition of “constructional defect” to provide that a constructional defect is a defect which: (1) is done in violation of law ~~and~~ **and is reasonably likely to cause personal injury or property damage;** (2) proximately causes physical damage to the residence, appurtenance or real property to which the residence or appurtenance is affixed; (3) is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry ~~and~~ **and is reasonably likely to cause personal injury or property damage;** or (4) presents an unreasonable risk of injury to a person or property.

Existing law provides that before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant: (1)

is required to give written notice to the contractor; and (2) if the contractor is no longer licensed or acting as a contractor in this State, is authorized to give notice to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect. Existing law also requires that such a notice ~~[include certain information.]~~ **identify in specific detail each defect, damage and injury to each residence or appurtenance that is the subject of the claim.** (NRS 40.645) **Section 2** of this bill ~~[revises the information that must be included in]~~ **instead requires that** such a notice ~~[.]~~ **specify in reasonable detail the defects or any damages or injuries to each residence or appurtenance that is the subject of the claim.**

Existing law requires that after notice of a constructional defect is given by a claimant to a contractor, subcontractor, supplier or design professional, the claimant and, if the notice includes an expert opinion concerning the alleged constructional defect, the expert or his or her representative with knowledge of the alleged defect must: (1) be present when a contractor, subcontractor, supplier or design professional conducts an inspection of the alleged constructional defect; and (2) identify the exact location of each alleged constructional defect. (NRS 40.647) **Section 3** of this bill removes ~~[such requirements.]~~ **the requirement that an expert who provided an opinion concerning the alleged constructional defect or his or her representative be present at an inspection and revises certain other requirements.**

Existing law provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on behalf of the claimant: (1) the claimant is prohibited from sending notice of a constructional defect or pursuing a claim for a constructional defect unless the claimant has submitted a claim under the homeowner's warranty and the insurer has denied the claim; and (2) notice of a constructional defect may only include claims that were denied by the insurer. (NRS 40.650) **Section 4** of this bill removes such provisions, and ~~[instead]~~ **section 1.5 of this bill replaces the term "homeowner's warranty" with "builder's warranty" and clarifies that such a warranty is not a type of insurance. Section 4** provides that if a residence or appurtenance that is the subject of a claim is covered by a ~~[homeowner's]~~ **builder's** warranty, ~~[purchased by or on behalf of the claimant.]~~ the claimant is required to diligently pursue a claim under the ~~[homeowner's]~~ **builder's** warranty. **Section 5.5 of this bill makes conforming changes.**

Existing law also provides that if a residence or appurtenance that is the subject of a claim is covered by a homeowner's warranty purchased by or on behalf of the claimant, statutes of limitation or repose are tolled from the time the claimant submits a claim under the homeowner's warranty until 30 days after the insurer rejects the claim, in whole or in part. (NRS 40.650) **Section 4** removes this provision. Existing law additionally provides that, unless good cause is shown to a court to toll the statute of limitation or repose for a longer period, statutes of limitation or repose applicable to a claim based on a

constructional defect are tolled from the time notice of the claim is given until the earlier of: (1) 1 year after notice of the claim is given; or (2) 30 days after mediation is concluded or waived in writing. (NRS 40.695) **Section 6** of this bill revises such provisions and provides that such statutes of limitation or repose are tolled from the time notice of claim is given until 30 days after mediation is concluded or waived in writing.

Existing law establishes the damages proximately caused by a constructional defect that a claimant is authorized to recover, including additional costs reasonably incurred by the claimant for constructional defects proven by the claimant. (NRS 40.655) **Section 5** of this bill removes the requirement that such costs be limited to constructional defects proven by the claimant. ~~[Section 5 additionally authorizes a claimant to recover reasonable attorney's fees.]~~

Existing law prohibits an action for the recovery of certain damages against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property, from being commenced more than 6 years after the substantial completion of such an improvement. (NRS 11.202) **Section 7** of this bill increases such a period to ~~10~~ **8** years after the substantial completion of such an improvement. **Section 7** also authorizes such an action to be commenced at any time after the substantial completion of such an improvement if any intentional act caused a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement ~~[is the result of willful misconduct or fraudulent concealment.]~~ that was fraudulently concealed.

Existing law prohibits a unit-owners' association from instituting, defending or intervening in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself or units' owners relating to an action for a constructional defect unless the action pertains exclusively to common elements. (NRS 116.3102) **Section 8** of this bill ~~removes such a prohibition.~~

~~Section 9 of this bill requires a contractor licensed pursuant to chapter 624 of NRS or an applicant for an original or renewal license under that chapter to obtain, maintain and provide proof of insurance, with coverage having specified limits of liability for claims for injury to persons or damage to property which may arise from or in connection with the work of the contractor or applicant or his or her agents, representatives, employees or subcontractors.]~~ requires that such an action for a constructional defect pertain to common elements or any portion of the common-interest community that the association owns or has an obligation to maintain, repair or replace.

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

**Section 1.** NRS 40.615 is hereby amended to read as follows:

40.615 “Constructional defect” means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance and includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance:

1. Which ~~presents an unreasonable risk of injury to a person or property;~~ ~~or~~ **is done in violation of law, including, without limitation, in violation of local codes or ordinances ~~that~~, and is reasonably likely to cause personal injury or property damage;**

2. Which ~~is not completed in a good and workmanlike manner and~~ proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed ~~that~~;

3. **Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping ~~that~~ and is reasonably likely to cause personal injury or property damage; or**

4. **Which presents an unreasonable risk of injury to a person or property.**

**Sec. 1.5. NRS 40.625 is hereby amended to read as follows:**

40.625 ~~“Homeowner’s~~ **“Builder’s”** warranty” means a warranty ~~for~~ ~~policy of insurance:~~

~~1. Issued~~ **issued** or purchased by or on behalf of a contractor for the protection of a claimant. ~~For~~

~~2. Purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive.~~

~~→~~ The term ~~includes~~:

**1. Includes** a warranty contract issued by **or on behalf of a contractor whose liability pursuant to the warranty contract is subsequently insured 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.

**2. Does not include a policy of insurance for home protection as defined in NRS 690B.100 or a service contract as defined in NRS 690C.080.**

**Sec. 2.** NRS 40.645 is hereby amended to read as follows:

40.645 1. Except as otherwise provided in this section and NRS 40.670, before a claimant commences an action or amends a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant:

(a) Must give written notice by certified mail, return receipt requested, to the contractor, at the contractor’s address listed in the records of the State Contractors’ Board or in the records of the office of the county or city clerk or at the contractor’s last known address if the contractor’s address is not listed in those records; and

(b) May give written notice by certified mail, return receipt requested, to any subcontractor, supplier or design professional known to the claimant who may be responsible for the constructional defect, if the claimant knows that the contractor is no longer licensed in this State or that the contractor no longer acts as a contractor in this State.

2. The notice given pursuant to subsection 1 must:

(a) Include a statement that the notice is being given to satisfy the requirements of this section;

(b) ~~Identify~~ **Specify** in ~~specific~~ **reasonable** detail ~~each defect, damage and injury~~ **the defects or any damages or injuries** to each residence or appurtenance that is the subject of the claim ~~, including, without limitation, the exact location of each such defect, damage and injury;~~ ~~;~~ ~~and~~

(c) Describe in reasonable detail the cause of the defects if the cause is known and the nature and extent that is known of the damage or injury resulting from the defects ~~;~~ ~~and~~

(d) Include a signed statement, by each named owner of a residence or appurtenance in the notice, that each such owner verifies that each such defect, damage and injury specified in the notice exists in the residence or appurtenance owned by him or her. If a notice is sent on behalf of a homeowners' association, the statement required by this paragraph must be signed under penalty of perjury by a member of the executive board or an officer of the homeowners' association.

3. A representative of a homeowners' association may send notice pursuant to this section on behalf of an association if the representative is acting within the scope of the representative's duties pursuant to chapter 116 or 117 of NRS.

4. Notice is not required pursuant to this section before commencing an action if:

(a) The contractor, subcontractor, supplier or design professional has filed an action against the claimant; or

(b) The claimant has filed a formal complaint with a law enforcement agency against the contractor, subcontractor, supplier or design professional for threatening to commit or committing an act of violence or a criminal offense against the claimant or the property of the claimant.

**Sec. 3.** NRS 40.647 is hereby amended to read as follows:

40.647 1. After notice of a constructional defect is given pursuant to NRS 40.645, before a claimant may commence an action or amend a complaint to add a cause of action for a constructional defect against a contractor, subcontractor, supplier or design professional, the claimant must:

(a) Allow an inspection of the alleged constructional defect to be conducted pursuant to NRS 40.6462; ~~and~~

(b) **Be present or have a representative of the claimant present at an inspection conducted pursuant to NRS 40.6462 and, to the extent possible, reasonably identify the exact location of each alleged constructional defect, defects, damages or injuries specified in the notice ;** ~~and, if the notice~~

~~includes an expert opinion concerning the alleged constructional defect, the expert, or a representative of the expert who has knowledge of the alleged constructional defect, must also be present at the inspection and identify the exact location of each alleged constructional defect for which the expert provided an opinion;] and~~

(c) Allow the contractor, subcontractor, supplier or design professional a reasonable opportunity to repair the constructional defect or cause the defect to be repaired if an election to repair is made pursuant to NRS 40.6472.

2. If a claimant commences an action without complying with subsection 1 or NRS 40.645, the court shall:

(a) Dismiss the action without prejudice and compel the claimant to comply with those provisions before filing another action; or

(b) If dismissal of the action would prevent the claimant from filing another action because the action would be procedurally barred by the statute of limitations or statute of repose, the court shall stay the proceeding pending compliance with those provisions by the claimant.

**Sec. 4.** NRS 40.650 is hereby amended to read as follows:

40.650 1. If a claimant unreasonably rejects a reasonable written offer of settlement made as part of a response pursuant to paragraph (b) of subsection 2 of NRS 40.6472 and thereafter commences an action governed by NRS 40.600 to 40.695, inclusive, the court in which the action is commenced may:

(a) Deny the claimant's attorney's fees and costs; and

(b) Award attorney's fees and costs to the contractor.

↪ Any sums paid under a ~~homeowner's~~ **builder's** warranty, other than sums paid in satisfaction of claims that are collateral to any coverage issued to or by the contractor, must be deducted from any recovery.

2. If a contractor, subcontractor, supplier or design professional fails to:

(a) Comply with the provisions of NRS 40.6472;

(b) Make an offer of settlement;

(c) Make a good faith response to the claim asserting no liability;

(d) Agree to a mediator or accept the appointment of a mediator pursuant to NRS 40.680; or

(e) Participate in mediation,

↪ the limitations on damages and defenses to liability provided in NRS 40.600 to 40.695, inclusive, do not apply and the claimant may commence an action or amend a complaint to add a cause of action for a constructional defect without satisfying any other requirement of NRS 40.600 to 40.695, inclusive.

3. If a residence or appurtenance that is the subject of the claim is covered by a ~~homeowner's~~ **builder's** warranty ~~[that is purchased by or on behalf of a claimant pursuant to NRS 690B.100 to 690B.180, inclusive]:~~

~~—(a) A claimant may not send a notice pursuant to NRS 40.645 or pursue a claim pursuant to NRS 40.600 to 40.695, inclusive, unless the claimant has first submitted a claim under the homeowner's warranty and the insurer has denied the claim.~~

~~—(b) A claimant may include in a notice given pursuant to NRS 40.645 only claims for the constructional defects that were denied by the insurer.~~

~~—(c) , a claimant shall diligently pursue a claim under the ~~contract.~~ If coverage under a homeowner's warranty is denied by an insurer in bad faith, the homeowner and the contractor, subcontractor, supplier or design professional have a right of action for the sums that would have been paid if coverage had been provided, plus reasonable attorney's fees and costs.~~

~~—(d) Statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim under the homeowner's warranty is submitted to the insurer until 30 days after the insurer rejects the claim, in whole or in part, in writing. builder's warranty.~~

4. Nothing in this section prohibits an offer of judgment pursuant to Rule 68 of the Nevada Rules of Civil Procedure or NRS 40.652.

**Sec. 5.** NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following damages to the extent proximately caused by a constructional defect:

(a) The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

(b) The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

(c) The loss of the use of all or any part of the residence;

(d) The reasonable value of any other property damaged by the constructional defect;

(e) Any additional costs reasonably incurred by the claimant, ~~for constructional defects proven by the claimant,~~ including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

(f) Any interest provided by statute ~~;~~ and

~~—(g) Any reasonable attorney's fees.~~

2. If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, any damages other than damages authorized pursuant to NRS 40.600 to 40.695, inclusive.

3. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.



4. As used in this section, “structural failure” means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

**Sec. 5.5. NRS 40.687 is hereby amended to read as follows:**

40.687 Notwithstanding any other provision of law:

~~1. A claimant shall, within 10 days after commencing an action against a contractor, disclose to the contractor all information about any homeowner’s warranty that is applicable to the claim.~~

~~2. The~~ contractor shall, no later than 10 days after a response is made pursuant to this chapter, disclose to the claimant any information about insurance agreements that may be obtained by discovery pursuant to rule 26(b)(2) of the Nevada Rules of Civil Procedure. Such disclosure does not affect the admissibility at trial of the information disclosed.

~~3. 2.~~ Except as otherwise provided in subsection ~~4. 3.~~ if ~~either party~~ **the contractor** fails to provide the information required pursuant to subsection 1 ~~for 2.~~ within the time allowed, the ~~other party~~ **claimant** may petition the court to compel production of the information. Upon receiving such a petition, the court may order the ~~party~~ **contractor** to produce the required information and may award the ~~petitioning party~~ **claimant** reasonable attorney’s fees and costs incurred in petitioning the court pursuant to this subsection.

~~4. 3.~~ The parties may agree to an extension of time **for the contractor** to produce the information required pursuant to this section.

~~5. 4.~~ For the purposes of this section, “information about insurance agreements” is limited to any declaration sheets, endorsements and contracts of insurance issued to the contractor from the commencement of construction of the residence of the claimant to the date on which the request for the information is made and does not include information concerning any disputes between the contractor and an insurer or information concerning any reservation of rights by an insurer.

**Sec. 6. NRS 40.695 is hereby amended to read as follows:**

40.695 1. Except as otherwise provided in ~~subsections~~ **subsection 2**, ~~and 3.~~ statutes of limitation or repose applicable to a claim based on a constructional defect governed by NRS 40.600 to 40.695, inclusive, are tolled from the time notice of the claim is given, until ~~the earlier of:~~

~~(a) One year after notice of the claim is given; or~~

~~(b) Thirty~~ **30** days after mediation is concluded or waived in writing pursuant to NRS 40.680.

2. ~~Statutes of limitation and repose may be tolled under this section for a period longer than 1 year after notice of the claim is given only if, in an action for a constructional defect brought by a claimant after the applicable statute of limitation or repose has expired, the claimant demonstrates to the satisfaction of the court that good cause exists to toll the statutes of limitation and repose under this section for a longer period.~~

~~3.~~ Tolling under this section applies to a third party regardless of whether the party is required to appear in the proceeding.

**Sec. 7.** NRS 11.202 is hereby amended to read as follows:

11.202 1. No action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than ~~16-107~~ 8 years after the substantial completion of such an improvement, for the recovery of damages for:

(a) ~~Any~~ **Except as otherwise provided in subsection 2, any** deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. *An action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property at any time after the substantial completion of such an improvement, for the recovery of damages for any intentional act in causing a deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement ~~which is the result of his or her willful misconduct or~~ which he or she fraudulently concealed.*

3. The provisions of this section do not apply:

(a) To a claim for indemnity or contribution.

(b) In an action brought against:

(1) The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper.

(2) Any person on account of a defect in a product.

**Sec. 8.** 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 ~~+~~ **or any portion of the common-interest community that the association owns or has an obligation to maintain, repair or replace.**

(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 provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.

(p) 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.

(q) May exercise any other powers conferred by the declaration or bylaws.

(r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) 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.

(t) 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. 9. ~~Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Before issuing an initial or renewal of a contractor's license to an applicant, the Board shall require that the applicant submit to the Board proof of insurance against claims for injury to persons or damage to property which may arise from or in connection with work that is subject to regulation pursuant to this chapter performed by the applicant or his or her agents, representatives, employees or subcontractors in an amount not less than the amount set forth in subsection 2.~~

~~2. To satisfy the requirements of this section, a licensee or an applicant for a contractor's license shall obtain and provide proof of insurance with coverage that has limits of liability not less than:~~

~~(a) If the Board places on the license a limit on contracting or bidding to contract in an amount less than \$1,000,000, \$300,000 in the aggregate and \$100,000 for each occurrence;~~

~~(b) If the Board places on the license a limit on contracting or bidding to contract in an amount that is \$1,000,000 or greater but less than \$10,000,000, \$2,000,000 in the aggregate and \$1,000,000 for each occurrence; and~~

~~(c) If the Board places on the license a limit on contracting or bidding to contract in an amount that is \$10,000,000 or greater or is unlimited, \$3,000,000 in the aggregate and \$3,000,000 for each occurrence.~~

~~3. If a licensee applies to the Board for a temporary increase in the limit on contracting or bidding to contract which the Board has placed on his or her license, the Board shall require the licensee to submit proof of insurance with coverage that has limits of liability as provided in subsection 2 that correspond to the temporary limit on contracting or bidding to contract. The insurance required pursuant to this subsection may be contingent upon approval by the Board of the temporary increase in the limit on contracting or bidding to contract.~~

~~4. A licensee shall maintain the insurance required pursuant to this section at all times during which the licensee holds his or her license.~~

~~5. The Board may impose an administrative fine against a licensee in an amount not more than \$10,000, in addition to any other penalty authorized by this chapter, if the licensee:~~

~~(a) Causes injury to persons or damage to property which arises from or in connection with work that is subject to regulation pursuant to this chapter performed by the licensee or his or her agents, representatives, employees or subcontractors; and~~

~~(b) Has failed to comply with the requirements of subsection 2 or 3.]~~  
**(Deleted by amendment.)**

**Sec. 10.** ~~NRS 624.220 is hereby amended to read as follows:~~

~~624.220 1. The Board shall adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which the contractor is classified and qualified to engage as defined by NRS 624.215 and the regulations of the Board.~~

~~2. The Board shall limit the field and scope of the operations of a licensed contractor by establishing a monetary limit on a contractor's license, and the limit must be the maximum contract a licensed contractor may undertake on one or more construction contracts on a single construction site or subdivision site for a single client. The Board may take any other action designed to limit the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public. The limit must be determined after consideration of the factors set forth in NRS 624.260 to 624.265, inclusive [ ], and section 9 of this act.~~

~~3. A licensed contractor may request that the Board increase the monetary limit on his or her license, either on a permanent basis or for a single construction project. A request submitted to the Board pursuant to this subsection must be in writing on a form prescribed by the Board and accompanied by such supporting documentation as the Board may require. A request submitted pursuant to this section for a single construction project must be submitted to the Board at least 5 working days before the date on which the licensed contractor intends to submit a bid for the project and must be approved by the Board before the submission of a bid by the contractor for the project.~~

~~4. Subject to the provisions of regulations adopted pursuant to subsection 5, nothing contained in this section prohibits a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in which the specialty contractor is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.~~

~~5. The Board shall adopt regulations establishing a specific limit on the amount of asbestos that a licensed contractor with a license that is not classified for the abatement or removal of asbestos may abate or remove pursuant to subsection 4.]~~ **(Deleted by amendment.)**

**Sec. 11.** 1. The provisions of NRS 40.615 and 40.655, as amended by sections 1 and 5 of this act, respectively, apply to any claim ~~that arises~~ **for which a notice of constructional defect is given** on or after October 1, 2019.

2. The provisions of NRS 40.645 and 40.650, as amended by sections 2 and 4 of this act, respectively, apply to a notice of constructional defect given on or after October 1, 2019.

3. The provisions of NRS 40.647, as amended by section 3 of this act, apply to an inspection conducted pursuant to NRS 40.6462 on or after October 1, 2019.

4. The period of limitations on actions set forth in NRS 11.202, as amended by section 7 of this act, apply retroactively to actions in which the substantial completion of the improvement to the real property occurred before October 1, 2019.

~~5. The provisions of section 9 of this act apply to licenses issued or renewed pursuant to chapter 624 of NRS on or after October 1, 2019.~~

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 18 authorizes incorporated cities to provide for the construction, installation, and maintenance of ramps and any appurtenances that comply with the Americans with Disabilities Act of 1990. The government entities may only locate such ramps within a public easement or right-of-way if they can be completed without damaging or forcing the relocation of the facilities of other persons, including public utilities, who are authorized to place their facilities within the public easement or right-of-way.

Roll call on Assembly Bill No. 18:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 81 and 345 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Assembly Bill No. 257 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Assembly Bill 23 authorizes the Department of Motor Vehicles to adopt regulations related to the operation and testing of certain electronically controlled vehicles and transportation devices. The measure authorizes the Department to impose an administrative fine for a violation of these provisions. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 27.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 27 revises the State Contractors' Board requirement to issue a cease and desist order if a person who acts as a contractor or submits bids on a job does not have a valid contractors' license, instead of not having an active license of the proper classification. The bill sets forth the actions that the Board is required or authorized to take after issuing such an order, including, but not limited to confirming the occurrence of a cease and desist order; imposing certain administrative penalties and reporting repeated violations to the district attorney for further criminal prosecution; allowing remedies for a violation; allowing a person to contest a cease and desist order; and vacating or clarifying the terms of a cease and desist order.

Roll call on Assembly Bill No. 27:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 28 authorizes the Department of Motor Vehicles and the Department of Veterans Services to enter into an agreement regarding information sharing related to satisfactory evidence for declaring status as a veteran on an instruction permit, driver's license, identification card, or commercial driver's license.

Roll call on Assembly Bill No. 28:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.



Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 34 expands the list of authorized investments for the Nevada Higher Education Prepaid Tuition Trust Fund, the State Permanent School Fund, and money invested through the state's General Portfolio to include: 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 certain bonds, notes, and other obligations, commonly called "Yankee bonds," that are issued by a foreign financial institution, corporation, or government. The bill also 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 these additional types of securities. Finally, the bill requires the State Treasurer or local government, as applicable, to 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.

Roll call on Assembly Bill No. 34:

YEAS—37.

NAYS—Backus, Carlton, Miller, Neal—4.

EXCUSED—Hambrick.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 50 requires cities to hold municipal elections on the statewide election cycle in even-numbered years, beginning in 2022. Terms of office are revised to allow for the transition to the statewide election cycle. Dates for filing declarations of candidacy and other election-related activities are revised to conform to these changes. The bill amends the charter of each city that holds municipal elections in odd-numbered years to require the cities to hold primary and general city elections on the same dates as the statewide elections. Specific revisions enable Boulder City to complete its current transition, under its 2018 ordinance, to city elections in even-numbered years. Judicial candidates for municipal courts in all cities must file declarations of candidacy in even-numbered years at the same time as candidates for other judicial offices.

Roll call on Assembly Bill No. 50:

YEAS—36.

NAYS—Edwards, Ellison, Hansen, Titus, Wheeler—5.

EXCUSED—Hambrick.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblymen Fumo and Ellison.

ASSEMBLYMAN FUMO:

Assembly Bill 62 revises the provisions relating to extending the deadline set by the State Engineer by which construction related to the appropriation of water must be completed.

ASSEMBLYMAN ELLISON:

I rise today in opposition to Assembly Bill 62. Assembly Bill 62 seeks to add another layer of bureaucracy and outreach on behalf of the State Engineer. Under current law the State Engineer already has the power to grant or deny extensions for completion of work on divisions of water. To be specific, he has five deciding factors. Assembly Bill 62 creates deadlines that tie the hands of municipalities, ignores economic factors, and further complicates the statutes. I urge my colleagues to vote no on Assembly Bill 62.

Roll call on Assembly Bill No. 62:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Neal, Roberts, Titus, Tolles, Wheeler—13.

EXCUSED—Hambrick.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 73 provides for the creation of a temporary working group in Clark County to address issues relating to homelessness. The working group is required to submit a report to the Clark County Commission and the governing body of each city in Clark County on or before October 1, 2020, with recommendations on methods to reduce homelessness in the county and funding sources to implement those methods.

The County Commission and each governing body receiving the report must hold a public hearing on the report and may accept, modify, or reject each recommendation provided in the report. If the County Commission or a governing body rejects a recommendation, the reason for rejecting the recommendation must be set forth by that body on the record during the hearing.

Roll call on Assembly Bill No. 73:

YEAS—40.

NAYS—Titus.

EXCUSED—Hambrick.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 78.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 78 revises various provisions related to charter schools. The bill increases the number of members of the State Public Charter School Authority by adding two members appointed by the State Board of Education, deems the Authority to be a local educational agency, and abolishes the Achievement School District.

Roll call on Assembly Bill No. 78:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 79, in its first reprint, provides an expedited procedure for the sale of property on which delinquent taxes, assessments, penalties, interest, and costs are owed to a county, and which the county has determined to be abandoned. For these properties, the bill reduces the redemption period for the property from two years to one year.

Roll call on Assembly Bill No. 79:

YEAS—39.

NAYS—Jauregui, Titus—2.

EXCUSED—Hambrick.

Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 114 requires the board of trustees of each school district and the governing body of each charter school to submit a report to the Nevada Department of Education on courses of study in the prevention of suicide; training for teachers and administrators in the prevention of suicide; and incidents of suicide, attempted suicide, and suicidal ideation by pupils. This bill is effective on July 1, 2019.

Roll call on Assembly Bill No. 114:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 117 repeals the current provisions of law relating to charitable games and incorporates charitable games into the provisions of law governing charitable lotteries for the purpose of treating all charitable gaming in the same manner. The measure sets forth the

requirements for a qualified organization to operate a charitable lottery or game in this state. The chair of the Nevada Gaming Control Board is required to register a qualified organization, if the requirements are met. The Nevada Gaming Commission, upon recommendation by the Board, is required to adopt regulations.

Roll call on Assembly Bill No. 117:

YEAS—38.

NAYS—Carlton, Neal, Swank—3.

EXCUSED—Hambrick.

Assembly Bill No. 117 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

Assembly Bill 122 requires the Department of Health and Human Services to study the feasibility of establishing and operating assisted living facilities that also provide respite care and adult day care services in rural areas of the state. A summary of certain study findings must be presented to the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs.

Roll call on Assembly Bill No. 122:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 132 prohibits, with certain exceptions, an employer from denying employment to a prospective employee because a drug screening test taken by the prospective employee indicates the presence of marijuana. An employer may require a prospective employee who does not hold a valid registry identification card for medical use of marijuana to abstain from using marijuana while carrying out the duties of his or her employment as a condition of employment. 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 to rebut the results of the initial screening test, and the employer is required to accept as conclusive the results of that test.

Roll call on Assembly Bill No. 132:

YEAS—33.

NAYS—Ellison, Hafen, Hansen, Krasner, Leavitt, Roberts, Titus, Wheeler—8.

EXCUSED—Hambrick.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 133.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 133 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. The bill 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.

Roll call on Assembly Bill No. 133:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 133 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 137 provides that when a county or city election official establishes one or more polling places within the boundaries of an Indian reservation or Indian colony, the election official must continue to establish polls at a location or locations approved by the Indian tribe during early voting or on the day of any primary or general election unless the tribe requests otherwise.

Roll call on Assembly Bill No. 137:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 137 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 140 prohibits 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.

Roll call on Assembly Bill No. 140:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 152 revises and increases the penalties for crimes related to certain actions which injure or destroy the cairn or grave of a native Indian or an historic or prehistoric site and crimes related to the trafficking of cultural property obtained from state land without a permit.

Roll call on Assembly Bill No. 152:

YEAS—38.

NAYS—Ellison, Titus, Wheeler—3.

EXCUSED—Hambrick.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblymen Fumo, Ellison, and Tolles.

ASSEMBLYMAN FUMO:

Assembly Bill 153 makes it a misdemeanor for a person to negligently store or leave a firearm at a location under his or her control and to know or have reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling or having in his or her possession or under his or her control any firearm, may obtain such a firearm.

Democracy is not simply a license to indulge in individual whims or proclivities; it is about holding oneself accountable. Assembly Bill 153 is not a gun storage bill but rather a child access prevention bill. This bill will close a loophole in Nevada law and will make it a misdemeanor to allow a child unsupervised to access a weapon. It will not make it a crime to leave a weapon out if a person does not have reason to know that a child could access the weapon. It will not make it a crime to conceal carry around a child. It is about accountability. It will make Nevada a safer place to live, it is good public policy, and I urge this body's support.

ASSEMBLYMAN ELLISON:

I rise in opposition to Assembly Bill 153. Protection of our children from any violence is a top priority to all of us. Gun owners know that with their rights also comes a responsibility to ensure firearms are safely stored so that children cannot access them without permission. However, the language in A.B. 153 seems to create two standards of law. That has the potential to create confusion among gun owners and law enforcement. Safe storage of a firearm is a matter of judgement on the part of the firearms owner and depends on the type of firearms you own and your living situation. I support the intent of the bill and hope that you can work together for solutions that work for everybody to make this bill moved forward.

I think we can make this bill work for everybody to create a safe environment for our children. I am hoping we can do that on the other side. It is not that we do not believe in safes, we just believe that sometimes you need to have something where you can get to your weapon in a fast manner.

ASSEMBLYWOMAN TOLLES:

I respectfully rise in support of Assembly Bill 183 as a gun owner, a strong Second Amendment supporter, a CCW permit holder, and a mom. As has been stated, proper care and handling of firearms along with safe gun storage are core tenants of responsible gun ownership. In fact the National Rifle Association has nine rules of safety relating to firearms posted on their website, and rule number seven directs gun owners to store guns so they are not accessible to unauthorized persons.

As many in this Chamber know, I had the privilege of serving as the vice chair of the School Safety Task Force over the Interim. Over the course of that work, we heard from national experts on issues of preventing violence. One study, published in the International Journal of Pediatric and Adolescent Medicine showed that three-quarters of youth who shoot themselves do so with a gun they or a relative owns. Another study demonstrated that the presence of a handgun in the home has been shown to double the risk of adolescent suicide. Accessibility of unsecured firearms have contributed to shootings and accidental deaths as we learned in committee testimony in heartbreaking detail.

This bill does not take away or infringe on anyone's right to bear arms, but it does help us make sure that any adult who negligently stores or leaves a firearm in a place where the person knows that there is a substantial risk a child could obtain the firearm is held accountable.

As I looked at similar statutes relating to negligence, I took note that flicking a cigarette butt out the window of a vehicle is a misdemeanor. Failing to properly extinguish a campfire is a misdemeanor. Trespassing on someone else's land to hunt is a misdemeanor. I believe a misdemeanor is an appropriate response to negligence that could result in the deaths of innocent children. I urge my colleagues in voting yes for this sensible legislation.

Roll call on Assembly Bill No. 153:

YEAS—32.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Titus, Wheeler—9.

EXCUSED—Hambrick.

Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 161 restricts a unit-owners' association of a common-interest community from prohibiting a unit's owner from keeping at least one pet within his or her residence, subject to the association's reasonable restrictions on pet ownership. Finally, the bill provides that a prohibition on pet ownership may be contained in the original declaration of a common-interest community.

This bill is effective on October 1, 2019.

Roll call on Assembly Bill No. 161:

YEAS—37.

NAYS—Carlton, Carrillo, Duran—3.

EXCUSED—Ellison, Hambrick—2.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 166 establishes the crime of advancing prostitution. The measure sets forth when certain persons are deemed to have knowledge of such a crime and when such a person is deemed to have taken reasonable steps to abate the prostitution. A person who commits the crime of advancing prostitution is guilty of a category C felony. In addition, a person who commits the crime of living from the earnings of a prostitute is guilty of a category C felony, where physical force or the immediate threat of physical force is used, and a category D felony where there is not. This bill is effective upon passage and approval.

Assembly Bill 166 applies to illegal sex trafficking where there are victims of involuntary servitude or victims of sex trafficking against whom physical force or the immediate threat of physical force is being, or has been used. Law enforcement must notify all applicable persons in writing and will use their best efforts to provide that notification to as many persons as reasonably possible who might own, lease, operate, control, or manage a business or private property that is being used as a front for illegal sex trafficking.

I would like to thank all the stakeholders for their input on making this bill explicitly clear in its intent and I urge your support of A.B. 166.

Roll call on Assembly Bill No. 166:

YEAS—39.

NAYS—Neal, Torres—2.

EXCUSED—Hambrick.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 170 requires every health carrier that provides a health benefit network plan to provide to the Office for Consumer Health Assistance of the Department of Health and Human Services the contact information for a navigator, case manager, or facilitator employed by the health carrier. This bill requires the Office to assist consumers with accessing a navigator, case manager, or facilitator to obtain certain health care services and to collect various data, which must be reported annually to the Legislature. Furthermore, the bill authorizes the Office to assist a consumer with filing complaints against a health carrier.

This bill also aligns Nevada law with federal law by requiring all insurers to offer health insurance coverage, regardless of a person's health status, including any preexisting medical conditions. The bill also prohibits 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. Additionally, this bill prohibits the exclusion of claims based on certain preexisting conditions related to reinstated coverage for various government insurance plans and authorizes certain group health plans to include wellness programs under the same conditions as prescribed in federal regulations.

Roll call on Assembly Bill No. 170:

YEAS—40.

NAYS—Titus.

EXCUSED—Hambrick.



Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 175 makes various changes to provisions governing environmental health specialists including changing the name of the Board of Registered Environmental Health Specialists to the Board of Environmental Health Specialists. The bill revises the powers, duties, and organizational structure of the Board and establishes a new schedule of fees that may be charged by the Board. In addition, A.B. 175 revises requirements for registration to engage in the practice of environmental health and provides for provisional and temporary registration of certain environmental health specialists and environmental health specialist trainees. The bill also revises the scope of practice for environmental health specialists, and except for provisions prohibiting the use of certain titles, abbreviations, and letters, excludes certain persons and practices from the registration requirements and disciplinary provisions governing registered environmental health specialists and trainees.

Roll call on Assembly Bill No. 175:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Wheeler—8.

EXCUSED—Hambrick.

Assembly Bill No. 175 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 190 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. It also authorizes the Labor Commissioner to impose administrative penalties against a contractor or subcontractor who discharges any part of his or her obligation to pay prevailing wages in an unauthorized manner; and requires 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. Finally, the 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.

Roll call on Assembly Bill No. 190:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 192 allows a person who was convicted of an offense before the offense was decriminalized to submit a request to any court in which the person was convicted to have his or her record of criminal history relating to the conviction be sealed.

I rise in support of Assembly Bill 192 which is before you today because of the tough-on-crime federal policies specifically targeting drug use originating in the 1980s. Two years ago Nevada voters approved Question 2 legalizing recreational marijuana for sale and consumption and yet there are still citizens of our state, most of whom belong to minority groups, who lose out on employment opportunities, better places to live, and much more because of an offense committed under the purview of these policies. Assembly Bill 192 is one step towards righting those wrongs and making sure that people are not continually punished for making mistakes and are able to move forward with their lives. I urge your support of Assembly Bill 192.

Roll call on Assembly Bill No. 192:

YEAS—37.

NAYS—Carlton, Titus, Wheeler—3.

EXCUSED—Hambrick, Miller—2.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

Assembly Bill 198 requires Nevada's Department of Transportation, 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. The bill also authorizes the Department to offer for lease to an abutting property owner any property that is not in current use by the Department. Finally, the bill 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.

Roll call on Assembly Bill No. 198:

YEAS—39.

NAYS—Daly.

EXCUSED—Hambrick, Miller—2.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 201 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.

Roll call on Assembly Bill No. 201:

YEAS—40.

NAYS—Neal.

EXCUSED—Hambrick.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 204 authorizes the State Board of Pharmacy to license a recovery center to possess and administer controlled substances and dangerous drugs and establishes the maximum fees that the Board may charge for investigating, initially licensing, and renewing the license of a recovery center. The bill adds recovery centers to the list of health care facilities that may use a chart order to authorize the possession and administration of controlled substances and dangerous drugs. A recovery center is defined in the bill as any public or private facility that provides only short-term care, not to exceed 72 hours, to a person recovering from surgery and requires such a facility to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services.

Roll call on Assembly Bill No. 204:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 204 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 212 adds any inspector, officer, or investigator employed by this state or a political subdivision of this state whose primary duties are the performance of tasks related to code enforcement to the list of persons and entities authorized to request that certain personal information contained in the records of a county assessor, county recorder, the Secretary of State, or a county or city clerk remain confidential. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 212:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 219 revises various provisions related to English learners. It requires school districts to adopt a plan to eliminate gaps in achievement between English learners and students proficient in English and requires the plan to be monitored by the Nevada Department of Education. It also requires disclosure by high schools subject to a corrective action plan and authorizes certain pupils to obtain a zone variance to another school that does not have a corrective action plan. It requires certain examinations and assessments to be made available in other languages and revises the programs of study that are eligible for the Teach Nevada Scholarship.

Roll call on Assembly Bill No. 219:

YEAS—40.

NAYS—Titus.

EXCUSED—Hambrick.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to 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 4:49 p.m.

#### ASSEMBLY IN SESSION

At 5:11 p.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

##### WAIVER OF JOINT STANDING RULES

A Waiver requested by: Assemblywoman Jauregui.

For: Assembly Bill No. 369.

To Waive:

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

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

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

Has been granted effective: April 23, 2019.

SENATOR NICOLE J. CANNIZZARO

*Senate Majority Leader*

ASSEMBLYMAN JASON FRIERSON

*Speaker of the Assembly*

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 228 expands the jurisdiction of the Office of the State Long-Term Care Ombudsman to include advocating for recipients of services from adult day care centers, facilities for long-term rehabilitation, and living arrangement services. The measure authorizes the Administrator of the Aging and Disability Services Division to direct the Ombudsman or an advocate to investigate a complaint involving a recipient who receives services from a facility for long term care or long-term rehabilitation, an adult day care, or a provider of living arrangement

services. The bill prohibits retaliation against any person who files a complaint with, or provides information to, the Ombudsman or an advocate. The aforementioned facilities and service providers are required to post instructions for making a complaint to the Ombudsman or an advocate inside each facility and may receive a penalty for failing to comply with the requirement.

Roll call on Assembly Bill No. 228:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 239 relates to controlled substance prescriptions and allows a medical practitioner to prescribe a controlled substance for a patient if the practitioner determines it is medically necessary under certain conditions that are currently prohibited. This bill authorizes a more limited evaluation and risk assessment to be performed before issuing an initial controlled substance prescription that is for 30 days or less.

This bill also clarifies that the State Board of Pharmacy may suspend or revoke a registration to dispense a controlled substance regardless of the authority of any other regulatory body to take disciplinary action for the same conduct. Finally, this bill codifies various definitions into law that currently exist in regulations of the Board, and requires certain information concerning prescriptions of controlled substances to be provided to various licensing boards and professionals who prescribe such controlled substances.

Roll call on Assembly Bill No. 239:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 240 requires representatives from Carson City and Douglas, Lyon, Storey, and Washoe Counties, and the incorporated cities in each of these counties to each meet jointly at least twice per year and prepare a report at the end of each calendar year that identifies issues relating to, and makes recommendations regarding, the orderly management of growth in these counties and the region that these counties comprise. Annual joint reports relating to these meetings must be submitted to the Legislative Commission and to each legislator who represents any portion of these counties. This bill is effective on July 1, 2019.

Roll call on Assembly Bill No. 240:

YEAS—38.

NAYS—Edwards, Titus, Wheeler—3.

EXCUSED—Hambrick.

Assembly Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 244 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 an advisory committee and voter approval. Assembly Bill 244 authorizes the board of trustees of a certain school district to establish by resolution an advisory committee to recommend an increase in the rate of certain taxes for consideration by the voters at a general election held not later than November 8, 2022, to fund the capital project of the school district.

If such an advisory committee is established, it may recommend one or more rate increases for any tax which is imposed in the county for the benefit of the school district and must specify the period for which the rate increases would be effective. The advisory committee may then submit its recommendations to the board of trustees.

If the advisory committee submits its recommendations to the board of trustees no later than April 2, 2022, the board of trustees may transmit those recommendations to the board of county commissioners, who may then submit a ballot question to the voters at the next general election. This act becomes effective upon passage and approval. Section 1 of this act expires by limitation on April 2, 2022.

Roll call on Assembly Bill No. 244:

YEAS—32.

NAYS—Ellison, Hafen, Hansen, Hardy, Krasner, Leavitt, Roberts, Titus, Wheeler—9.

EXCUSED—Hambrick.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 247 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. The measure authorizes such a delegation of power for a specified period in certain cases, and in all other cases, the period cannot last longer than 12 months.

Roll call on Assembly Bill No. 247:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 248 prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain factual information relating to a claim in a civil or administrative action if such a claim relates to conduct that would otherwise qualify as a sexual offense punishable as a felony.

Roll call on Assembly Bill No. 248:

YEAS—34.

NAYS—Backus, Daly, Edwards, Hafen, Kramer, Titus, Wheeler—7.

EXCUSED—Hambrick.

Assembly Bill No. 248 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblyman Assefa.

ASSEMBLYMAN ASSEFA:

Assembly Bill 254 requires the Chief Medical Officer to establish and maintain a system for reporting information on sickle cell disease and its variants. The measure requires 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 disease and its variants diagnosed or treated at the facility or by the provider.

Roll call on Assembly Bill No. 254:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 254 having received a two-thirds majority, Mr. Speaker  
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Assembly Bill 261 requires each school district and charter school to report certain information concerning training for teachers and administrators in the personal safety of children and incidents of child abuse or sexual abuse of a child to Nevada's Department of Education. The bill further requires the Department to compile the data and prepare a report to be submitted to the Legislative Committee on Education.

Roll call on Assembly Bill No. 261:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Assembly Bill 270 authorizes a regional transportation commission to sell at a public auction property acquired through eminent domain proceedings or purchased under the threat of eminent domain proceedings that is no longer needed for public use. The bill also authorizes a public transit system in a county whose population is less than 700,000 to provide transportation to certain persons using microtransit.

Roll call on Assembly Bill No. 270:

YEAS—40.

NAYS—Neal.

EXCUSED—Hambrick.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Assembly Bill 272 requires law enforcement agencies in a county whose population is 100,000 or more to participate in the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Roll call on Assembly Bill No. 272:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 272 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 274.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 274 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. The bill clarifies that 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 is prohibited.

In addition to other provisions, the bill authorizes the filing of an appeal with a hearing officer for violations of the provisions relating to use of official authority or influence and additionally authorizes a hearing officer to order the termination of the employment of an individual for misuse of one's official authority or influence.



Finally, the bill 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 authorizes such procedures to provide greater protection than the protection provided in existing law.

Roll call on Assembly Bill No. 274:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Assembly Bill 280 authorizes a business entity that performs document preparation services to file a cash or surety bond with the Secretary of State on behalf of the employees of the entity that performs document preparation services. The bill sets the amount of the bond filed by a business entity based on the total number of employees, including temporary or seasonal employees, covered by the bond, among other provisions.

Roll call on Assembly Bill No. 280:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 282 requires the City of Henderson to place on the June 2021 general city election ballot a question to amend the City Charter to require ward-only voting for City Council seats. If Henderson does not hold a general city election at that time, the question must be placed on the November 2022 General Election ballot. If the question is approved by the voters, the City will transition to ward-only voting in City Council races.

Roll call on Assembly Bill No. 282:

YEAS—39.

NAYS—Edwards, Titus—2.

EXCUSED—Hambrick.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 286 makes various changes relating to trusts and estates, including provisions concerning The Uniform Statutory Rule Against Perpetuities, the nonprobate transfer of property upon death, the exemption from the execution of a judgment of certain sums derived from the sale of a homestead, the transfer of community property or separate property into an irrevocable trust, wills and estates of deceased persons, The Uniform Powers of Appointment Act, and the administration of trusts.

Roll call on Assembly Bill No. 286:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 288 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 minority group.

The bill also requires a tow operator who has been requested by the owner of a residential complex to tow a vehicle from the residential complex based on an expired vehicle registration to independently verify the registration status of the vehicle before towing the vehicle.

Roll call on Assembly Bill No. 288:

YEAS—39.

NAYS—Ellison, Titus—2.

EXCUSED—Hambrick.

Assembly Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblymen Jauregui and Roberts.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 291 prohibits a person from importing, manufacturing, possessing, receiving, selling, or transferring any device, part, or combination of parts that can be attached to a semiautomatic firearm which 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. These prohibitions also apply to any semiautomatic firearm that has been modified in any way to achieve the same result.

In addition, the allowable concentration of alcohol that may be present in the blood or breath of a person who is in possession of a firearm is reduced from 0.10 to 0.08. Lastly, the measure maintains state preemption over local government regulation of the carrying, licensing, ownership, possession, purchase, registration, sale, storage, transfer, and transportation of firearms, firearm accessories, and ammunition in Nevada, except that the measure authorizes a board of county commissioners to enact ordinances on such subjects within the geographical boundaries of the county, including within an incorporated city, if such ordinances are more stringent than state law.

You have all heard my story and you have all seen my journey with this issue. I have nothing left to say to convince you, but I would urge you, for the 58 people who lost their lives on October 1, 2017, to support Assembly Bill 291.

ASSEMBLYMAN ROBERTS:

While I respect and admire the intentions behind this bill, the emotion that this issue brings out in all of us, I believe that some of the language in the bill could present this body with future issues. I fear that the Legislature giving up preemption to counties could present us with a checkerboard of laws throughout the state that could put at risk individuals travelling intercounty who might not be aware of stark differences in laws between our counties. Our state *Constitution* gives the Legislature clear power to make and enforce laws for the entire state, and it is not something I believe we should be giving up to the county commissions when we have such a large and diverse state with huge differences of opinion on this issue.

I do want to be clear—I absolutely support the ban on bump stocks. I spent my career in law enforcement and I have seen first-hand the damage they can inflict. I also support the lowering of the BAC [blood alcohol content] that this bill contains. That being said, the bill in its current form is not in line with our *Constitution* or its principles and I urge my colleagues to consider this and join me in voting no.

Roll call on Assembly Bill No. 291:

YEAS—28.

NAYS—Daly, Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—13.

EXCUSED—Hambrick.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 299 revises provisions governing power of attorney. The bill establishes a nondurable power of attorney, which terminates upon the incapacity of a principal. The measure sets forth the circumstances under which a guardian is appointed after the proper execution of either a durable or a nondurable power of attorney for both financial matters and health care. The form for a power of attorney for health care is revised by informing the principal that the principal may request a power of attorney for health care be electronically stored by the Secretary of State in the Nevada Lockbox to allow access by authorized health care providers. In addition, any prior durable power of attorney for health care is still a valid declaration governing the withholding or withdrawal of life-sustaining treatment.

Roll call on Assembly Bill No. 299:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 301 requires city and county jails to report to the appropriate governing body of the city or county certain information concerning deaths of prisoners in jail. Each city or county governing body is required to review all available information concerning deaths of prisoners and include this information as an item on the agenda of a public meeting. The sheriff or the person appointed to administer the jail is required to investigate and report the death to the appropriate governing body within 48 hours of the death of a prisoner in a jail.

Roll call on Assembly Bill No. 301:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 303 prohibits a person from knowingly selling or offering to sell kratom products to a child who is less than 18 years of age. Finally, the measure establishes a civil penalty of \$1,000 for violating those provisions.

Roll call on Assembly Bill No. 303:

YEAS—29.

NAYS—Benitez-Thompson, Carlton, Duran, Edwards, Ellison, Hansen, Hardy, Leavitt, Monroe-Moreno, Roberts, Titus, Tolles—12.

EXCUSED—Hambrick.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 304 requires a school district requesting a class size variance for kindergarten through third grade to develop a plan of action to reduce the ratio of pupils per class. School districts also must report the number of pupils per licensed teacher that are in each class. The bill also requires that the State Board of Education establish nonbinding recommendations for the ratio of counselors and licensed social workers per pupil.

Roll call on Assembly Bill No. 304:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 304 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 307 establishes provisions governing the use of a gang database by a local law enforcement agency. If a local law enforcement agency uses a gang database, the database must be the database used by the largest local law enforcement agency in Nevada. The measure provides that written notice must be provided to any person who has been registered as a suspected member or affiliate of a criminal gang in the database and that the person must be given an opportunity to contest the registration. Finally, any file relating to a person in the gang database must be deleted from the database not later than five years from the final contact date the person had with the local law enforcement agency.

Roll call on Assembly Bill No. 307:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 307 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 310 requires that a prescription for a controlled substance be given to a pharmacy only by electronic transmission with certain exceptions. The bill also authorizes administrative penalties or professional discipline against a prescriber who violates this requirement.

Roll call on Assembly Bill No. 310:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 310 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315.

Bill read third time.

Remarks by Assemblyman Assefa.

## ASSEMBLYMAN ASSEFA:

Assembly Bill 315 authorizes a person who was wrongfully arrested to submit an application to a court to expunge all records relating to the arrest. The court, upon verification from the law enforcement agency or the prosecuting attorney that the person was wrongfully arrested, is required to issue an order to expunge all records relating to the arrest.

## Roll call on Assembly Bill No. 315:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## Assembly Bill No. 316.

Bill read third time.

Remarks by Assemblyman Smith.

## ASSEMBLYMAN SMITH:

Assembly Bill 316 establishes a statewide sobriety and drug monitoring program in which any political subdivision in this state may elect to participate. A court is authorized 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 seven years to the program for a specified period determined by the court. The bill imposes numerous responsibilities upon an offender who is participating in the program, including abstaining from alcohol and undergoing random testing. Finally, the Department of Motor Vehicles is authorized to adopt regulations necessary to provide for the issuance of a restricted driver's license to a person assigned to the program.

## Roll call on Assembly Bill No. 316:

YEAS—40.

NAYS—Daly.

EXCUSED—Hambrick.

Assembly Bill No. 316 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## Assembly Bill No. 317.

Bill read third time.

Remarks by Assemblywoman Duran.

## ASSEMBLYWOMAN DURAN:

Assembly Bill 317 requires each off-campus location of a hospital to obtain and use a unique national provider identifier for billing from the federal National Provider System and use that identifier on all claims for reimbursement or payment for health care services. In addition, the Administrator of Division of Public and Behavioral Health is required to approve a proposal to establish a trauma center before the district board of health may approve the proposal. Criteria for such approval is prescribed and relates to ensuring that the proposed center will not negatively impact existing capacity to treat trauma in the county.

## Roll call on Assembly Bill No. 317:

YEAS—37.

NAYS—Edwards, Ellison, Hafen, Wheeler—4.

EXCUSED—Hambrick.

Assembly Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 320 revises provisions relating to additional fees for the registration of certain commercial motor vehicles. Finally, A.B. 320 provides that for a vehicle registered in excess of 80,000 pounds, no separate permit is required.

Roll call on Assembly Bill No. 320:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 320 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 329.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 329 directs the Legislative Counsel to create a system to monitor the progress of an agency in adopting permanent administrative regulations that are required by legislative measures.

Roll call on Assembly Bill No. 329:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 333 provides for the issuance of Vegas Strong special license plates. Fees will go to the Vegas Strong Resiliency Center.

Roll call on Assembly Bill No. 333:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 333 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 335 authorizes a unit-owners' association for a common-interest community to impose a fee for opening or closing any file for each unit. The bill also specifies that certain periods for taking certain actions relating to a resale package must be measured in calendar days or business days and remains effective for 90 calendar days. It requires an association for a common-interest community to provide a copy of a statement of demand to an interested party not later than ten calendar days after receipt of a written request to do so. Finally, the bill establishes a maximum fee that an association for a common-interest community may charge for furnishing a certificate for inclusion in the resale package.

Roll call on Assembly Bill No. 335:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 335 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 336.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 336 establishes procedures and requirements for certification of a form required for a victim of crime who seeks to obtain a nonimmigrant visa, commonly referred to as a U visa, in order to provide that victim with temporary immigration benefits when he or she is helpful to law enforcement in the investigation or prosecution of criminal activity. The bill authorizes a petitioner of a U visa to request from a certifying agency the certification of the U Nonimmigrant Status Certification [Form I-918, Supplement B], commonly known as a certification of helpfulness form. The bill specifies agencies that may perform such certifications and establishes certain timeframes within which the certifications must be processed.

Roll call on Assembly Bill No. 336:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 336 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblymen Martinez, Edwards, and Carlton.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 337 requires any Class I freight railroad, Class I railroad, or Class II railroad for transporting freight that operates a train or locomotive in Nevada, and any officer of such a railroad, to ensure the train or locomotive contains a crew of not fewer than two persons. The bill offers limited exceptions to these provisions and it provides that any railroad or officer of a railroad who violates these provisions is liable to the Public Utilities Commission of Nevada for a civil



penalty of not less than \$5,000 for a first violation, not more than \$10,000 for a second violation within three years of the first violation, and not more than \$25,000 for a third or subsequent violation within three years.

ASSEMBLYMAN EDWARDS:

I rise this evening in opposition to Assembly Bill 337. Ensuring public safety and the safety of our rail traffic throughout Nevada are top priorities for all of us. However, this bill continues to lack any evidence that the proposed requirements will result in increased safety for rail crews or the public. It does, however, provide convincing evidence that it will increase costs to railroads, especially the small railroads in the state. The bill places arbitrary restrictions that ignore environmental factors and establish negotiations between labor and management. Lastly, this bill places unreasonable civil penalties for violations that unfairly target the railroad companies. These penalties, wholly without justification, will especially create an undue burden on smaller railroads. I urge my colleagues to vote no on Assembly Bill 337.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 337. I think it is the state's responsibility to set the safety standard and I believe a two-man safety standard in this bill is appropriate. We do not negotiate safety between labor and management. That is the state's responsibility.

Anytime you have a bill where you have a penalty, the hammer needs to be big enough to actually make a difference. I understand some of the concerns about small railroads. If they do not break the rules, they will not get fined. But as far as the large railroads go, they are very, very profitable. I pulled up one railroad's fourth quarter report, and the largest fine would merely be a drop in the bucket for that particular railroad. So I stand in full support of this bill. It is about the safety of the folks in this state. We have seen very, very long trains in this state, and we want to make sure that the people in the small towns in this state are protected from any possible accidents out in the middle of the state.

Roll call on Assembly Bill No. 337:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Assembly Bill 347 requires the Secretary of State to reinstate a local emerging small business within five years of when the local emerging small business's right to transact business was revoked if the local emerging small business pays at least 25 percent of the required fees and penalties. If a local emerging small business fails to pay the entire amount of fees and penalties owed for its reinstatement, the bill requires the local emerging small business to enter into a payment plan with the Secretary of State to pay the remaining balance of its delinquent fees and penalties within one year. Finally, the bill requires the Secretary of State to revoke a local emerging small business's right to transact business if it fails to comply with the payment plan. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 347:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.

Remarks by Assemblywomen Gorelow and Tolles.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 348 requires hospitals and various other medical facilities to create a workplace violence prevention plan that assesses workplace hazards and potential risk factors of workplace violence.

ASSEMBLYWOMAN TOLLES:

I rise today in opposition to Assembly Bill 348. Workplace violence certainly has no place in any work setting, including medical facilities. I applaud the efforts of this bill, but I believe that it has unintended consequences that will greatly impact the health care industry, as it is written today. Implementation of workplace safety measures, as with any other safety measures, takes time and proper planning. Assembly Bill 348 creates new staffing burdens that do not take into account the availability of trained professionals, and Nevada is currently facing a shortage of health care workers in virtually every health care profession. Staffing ratios will exacerbate our current crisis and will further limit a hospital's ability to provide quality care to patients.

This bill also mandates new physical infrastructure renovations and remodeling to hospitals—rural and urban, large and small—significantly increasing overhead costs at a time when medical care is already unaffordable for many Nevadans. I do support many of the training, reporting, and planning requirements in this bill and agree that collaboration with staff is a key factor. I do hope, as I have said all along, that the sponsors continue to work with stakeholders to move this effort forward with solutions that achieve the bill's intent. But as it is written, I cannot support Assembly Bill 348 today.

Roll call on Assembly Bill No. 348:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 353 creates a program for the recycling of electronic waste by state agencies and exempts the Legislative Counsel Bureau and state agencies from complying with the requirements related to recycling if those entities determine that the cost of compliance is unreasonable and would place an undue burden on the entities.

Roll call on Assembly Bill No. 353:

YEAS—39.

NAYS—Hafen, Titus—2.

EXCUSED—Hambrick.

Assembly Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblymen Martinez, Carlton, and Leavitt.

Potential conflict of interest declared by Assemblywoman Carlton.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 355 requires a person who takes control of a grocery store to extend offers of employment. The bill also requires a person who transfers control of a grocery store to post a public notice of the change in control. Assembly Bill 355 does not apply to any grocery store smaller than 15,000 square feet in size.

ASSEMBLYWOMAN CARLTON:

I would like to disclose that I am employed by the United Labor Agency of Nevada, otherwise known as ULAN. I have talked with the Legislative Counsel, and although I am not required to make a disclosure regarding A.B. 355 under Assembly Rule No. 23, I am making this disclosure out of an abundance of caution and I will be abstaining on this bill.

ASSEMBLYMAN LEAVITT:

I rise in opposition of Assembly Bill 355. This bill inappropriately alters employment relationships, increases the potential for frivolous litigation, and disincentivizes new business owners from revitalizing grocery stores. This bill limits the successor employer's ability to voluntarily choose its workforce. It also creates unnecessary requirements and a volatile environment for the successor employer that will increase unemployment in the grocery industry. Assembly Bill 355 wants to make it harder to keep struggling grocery stores open, putting our most vulnerable communities at risk of not having enough fresh food. I believe that Assembly Bill 355 is unnecessary and will do more harm than good. Therefore, I strongly urge my colleagues to vote no on Assembly Bill 355.

Roll call on Assembly Bill No. 355:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

NOT VOTING—Carlton.

EXCUSED—Hambrick.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 362 authorizes any county manager in the state and any person, including a social worker, who is employed by the state or a political subdivision and who performs work under certain circumstances to request that certain personal information contained in the records of a county assessor, a county recorder, the Secretary of State, or a county or city clerk remain confidential.

Roll call on Assembly Bill No. 362:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 363 requires the Department of Motor Vehicles to waive the fee, not more than one time, for the examination for a duplicate driver's license or identification card for a homeless child or youth under the age of 25 years.

Roll call on Assembly Bill No. 363:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 365 provides a new maximum allowable charge 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 \$60,000, for the purchase of a waiver of damages or optional insurance that a short-term lessor of vehicles may offer to a lessee.

Roll call on Assembly Bill No. 365:

YEAS—38.

NAYS—Edwards, Hafen, Titus—3.

EXCUSED—Hambrick.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblymen Daly and Titus.

ASSEMBLYMAN DALY:

Assembly Bill 370 provides for a 2.3 percent annual increase in compensation for widows, widowers, surviving children, or surviving dependent parents who are entitled to death benefits under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act, with compensation to be increased on January 1, 2020, and every year thereafter. The bill also specifies an increase in the base amount of the death benefits for certain entitled recipients depending on

the dates of death of the injured employees. Furthermore, A.B. 370 authorizes a refund through the Fund for Workers' Compensation and Safety to an insurer who pays an increase in certain death benefits to an entitled recipient because of a death that occurred before July 1, 2019. The bill also authorizes assessments against insurers to provide the additional money to finance the annual increases in death benefits.

ASSEMBLYWOMAN TITUS:

I need to let you know that Assembly Bill 370 really came out of an incident in which my father-in-law was the pilot of the aircraft that crashed way back when. This bill helps the families of the victims of that airplane crash. This bill does not, however, directly affect me or my children and we will not benefit from its passage. Therefore, the independence of judgment of a reasonable person in my position would not be materially affected by my interest. Thus, I am not required to disclose this under Rule No. 23 and I will be voting on this. I just felt I needed to make that acknowledgment.

Roll call on Assembly Bill No. 370:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 378.

Bill read third time.

Remarks by Assemblymen Hansen and Carrillo.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 378 clarifies that a facility or hospital may accept for emergency admission to evaluate, observe, or treat any person deemed to be a threat to him or herself or others for whom a proper application has been made, regardless of whether a parent or legal guardian has consented to the admission. The person who applies for emergency admission shall attempt to obtain the consent of a parent or guardian before making the application when practicable. This bill is effective upon passage and approval.

ASSEMBLYMAN CARRILLO:

I rise in opposition of Assembly Bill 378. This bill unnecessarily stigmatizes mental health by treating students experiencing a mental health need or crisis in a different manner than students experiencing a physical health need or crisis. I appreciate all the work that was done on this bill. However, I remain concerned that this is an overreach and will potentially subject students to more trauma, not to mention the trauma that may be inflicted upon the families of the students the bill is targeting. If we are truly going to address mental health and encourage parents to get help for their children, then reducing the stigma is a priority. In addition, it is fundamentally important not to treat children, youth, and their families in the same manner that we treat adults. I believe this is an important issue but needs to be addressed in consultation with school districts and parents and not be a one-sided conversation. I urge my colleagues to oppose Assembly Bill 378.

Roll call on Assembly Bill No. 378:

YEAS—35.

NAYS—Bilbray-Axelrod, Carrillo, Duran, Monroe-Moreno, Munk, Neal—6.

EXCUSED—Hambrick.

Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblymen McCurdy, Hafen, Swank, and Thompson.

Potential conflict of interest declared by Assemblywoman Swank.

ASSEMBLYMAN MCCURDY:

Assembly Bill 385, in its first reprint, requires the Director of the Governor's Office of Economic Development [GOED] to meet at least once per calendar quarter with the Southern Nevada Enterprise Community Board to collaborate and discuss strategies and methods for economic development within the community and its surrounding areas. The Southern Nevada Enterprise Community Board is additionally required to communicate to the Governor's Office of Economic Development regarding projects within the community that are recommended to receive abatements or other incentives offered by the Office, as well as recommendations for any legislative action concerning economic development incentives that would enable such incentives to be provided to businesses within the community and its surround areas.

I rise in support of Assembly Bill 385. This bill is before you today because of the need for every Nevadan to have economic and educational opportunities, no matter where they live in our state. I urge the body's passage of Assembly Bill 385.

ASSEMBLYMAN HAFEN:

I rise today in opposition of Assembly Bill 385. Economic development should embrace a broad vision of development that has both an economic and a fiscal imperative. It needs to focus on continued growth, prosperity, and inclusion that uses taxpayer-funded incentives in a fair and responsible manner. Assembly Bill 385 unfairly carves out a small area of the state while leaving many deserving areas with nothing. GOED and the Legislature have worked diligently to start the diversification of Nevada's economy but the work is not done.

There is no doubt that the area defined in Assembly Bill 385 needs additional economic development, but so do many other areas of our great state. I am a staunch supporter of economic development, but I believe it needs to be inclusive and have a process that is competitive so we may build a strong industry cluster and create opportunities for as many people as possible. We should be asking GOED to increase their efforts in not only the area defined in A.B. 385, but across the state. Because this bill would segment and prioritize only a small part of Nevada and is not inclusive of the whole state, I urge my colleagues to vote no on Assembly Bill 385.

ASSEMBLYWOMAN SWANK:

I am employed as the Executive Director of a business located in the district delineated in Assembly Bill 385. While I am not required to make a disclosure, out of an abundance of caution, I am disclosing and will be abstaining from voting on this bill.

ASSEMBLYMAN THOMPSON:

I rise in support of Assembly Bill 385. This is the community in which I was born and raised. This is a community that is rich in its history, and it is an area that is a jewel of the southern Nevada community. It is incumbent upon us to continue to build upon our state and this will be a great investment. So I urge you to support Assembly Bill 385.

Roll call on Assembly Bill No. 385:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

NOT VOTING—Swank.

EXCUSED—Hambrick.

Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 387 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 that provides child welfare services. The Director is required 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 that provides child welfare services or the voluntary placement with a public or private agency solely to receive services for a mental illness or emotional disturbance.

Roll call on Assembly Bill No. 387:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 393 provides certain protections to federal, tribal, and state workers and household members of such workers during a government shutdown. These protections include providing energy assistance and relief from eviction, foreclosure, payment of rent, payment of late fees, and vehicle repossession under certain circumstances. In addition, the landlord is provided with certain protections during a government shutdown.

Roll call on Assembly Bill No. 393:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 397 authorizes the Nevada Equal Rights Commission to submit a recommendation of impeachment to the Assembly of the Nevada Legislature if the Commission determines in a public hearing that an elected official has committed an unlawful employment practice regarding discrimination pursuant to Title VII of the Equal Rights Act of 1964. In addition, the bill requires that any damages assessed against an elected official or district, county, township, or municipal officer be paid in his or her personal capacity. Finally, the measure provides that an accusation of discrimination made against a district, county, township, or municipal officer made by the Commission is legally sufficient for removal if a court determines that the discriminatory practice that forms the basis of such an accusation is significantly severe and pervasive. It has been a long time coming.

Roll call on Assembly Bill No. 397:

YEAS—36.

NAYS—Edwards, Hansen, Kramer, Wheeler—4.

EXCUSED—Hambrick, Miller—2.

Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 398 exempts a wholesale lender who only funds or purchases commercial mortgage loans from obtaining a license by the Commissioner of Mortgage Lending.

Roll call on Assembly Bill No. 398:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Miller—2.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 400.

Bill read third time.

Remarks by Assemblywomen Benitez-Thompson and Hardy.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 400, in its first reprint, specifies that for any economic development incentives offered by the Governor's Office of Economic Development that are granted after the passage and approval date of this act, or whose application was filed after the passage and approval date of this act, where sales and use taxes may be abated under current law, all local sales and use tax rates may be abated except for the Local School Support Tax.

Assembly Bill 400 also specifies that for the general abatements that may be offered to certain new or expanding businesses pursuant to NRS 360.750, a business may not receive the abatement under that section if they have already received the corresponding abatement in that section for locating or expanding that business in that county.

I have served in this body now—this is my fifth session. One thing that has always brought me great consternation is when I have had to make votes that removed local dollars from our local schools or took money and diverted it away from our Distributive School Account. I feel compelled that now is the time to rethink and end that practice. The Local School Support Tax ought to stay local.

ASSEMBLYWOMAN HARDY:

I rise today in opposition to Assembly Bill 400, which is a dramatic step backward for our state. During the last decade, Nevada has taken steps to diversify the economy with new industries and higher wage jobs. Because of the hard work done over the last eight years, we stand at a point where the state is shifting to a more diverse economy and is creating the jobs of tomorrow. Northern Nevada has a growing advanced manufacturing sector, and in southern Nevada we have seen strides in logistical centers and a growing medical industry. Across the state we have seen technology companies like Google, Switch, and Apple come to the state. With the passage of this bill, I fear that growth will grind to a stop.

Over the last decade, we have seen the direction of the state change from a reliance on gaming and mining, and we have attracted some great companies that have helped diversify Nevada.



These companies are not just taking incentives and providing no benefit to the state. They provide high-quality, high-paying jobs that are improving the quality of life for Nevada families. Companies like Switch are helping provide fiber across the state, enabling rural communities to access broadband. They are sponsoring educational events and helping promote STEM education. As a state, we are providing them a temporary incentive, and we get partners that make our state better. We should be growing and supporting businesses, not sending messages that we no longer support them. Now is not the time to take away the tool sets that will help us weather the next economic downturn. For these reasons, I would urge my colleagues to vote against Assembly Bill 400.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Just a point of clarification for the record. The bill does not end the abatement of the Modified Business Tax, which is millions of dollars. It does not end the abatement of property tax, which is also millions of dollars. It also does not get rid of the other portion of the sales tax, which can continue to be abated and is also millions of dollars. I think this is fair and benefits our students, our schools, our state, and business. I urge your support.

Roll call on Assembly Bill No. 400:

YEAS—35.

NAYS—Edwards, Hafen, Hardy, Krasner, Leavitt, Wheeler—6.

EXCUSED—Hambrick.

Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Assembly Bill 403 provides that certain traffic laws may apply in places other than a state highway if provided by a specific statute. This bill explicitly provides that reckless driving and vehicular manslaughter apply on premises to which the public has access, including without limitation, parking lots, parking garages, and other roads or ways that provide access to places of business, apartment buildings, mobile home parks, and gated residential communities. This measure is effective on October 1, 2019.

Roll call on Assembly Bill No. 403:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Remarks by Assemblyman Kramer.

ASSEMBLYMAN KRAMER:

Assembly Bill 406 makes various changes to the Airport Authority Act for Carson City, including but not limited to authorizing a member to serve not more than two consecutive terms and allowing reappointment after a lapse of four years; removing the requirement that the Board of Trustees of the Authority obtain the approval of the Carson City Board of Supervisors to acquire real property by lease and to acquire personal property by purchase or lease; and, removing the

authority of the Board of Trustees to provide emergency services for the Authority. Finally, the bill clarifies the types of agreements into which the Board of Trustees and the Board of Supervisors may enter. This bill is effective on October 1, 2019.

Roll call on Assembly Bill No. 406:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 411 establishes civil penalties for certain traffic and related violations. 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 would be a civil infraction and not a criminal misdemeanor, unless a criminal penalty is prescribed for the violation by a specific statute.

Roll call on Assembly Bill No. 411:

YEAS—36.

NAYS—Ellison, Hafen, Hansen, Titus, Wheeler—5.

EXCUSED—Hambrick.

Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 413.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 413 provides that if a governing body fails to consider the potential impact on business before taking action to adopt a proposed rule, the action taken by the governing body is void. Finally, the governing body may take action to readopt the rule after considering the potential impact on business.

Roll call on Assembly Bill No. 413:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 416.

Bill read third time.

Remarks by Assemblywoman Martinez.

## ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 416 revises provisions relating to the procedure for collecting delinquent fines, administrative assessments, fees, or restitution. Among other provisions, the bill also specifies that a court may only order the suspension of the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period. Finally, the bill provides that any delinquent fine, administrative assessment, or fee owed by a defendant is deemed to be uncollectible if after eight years it remains impossible or impracticable to collect the delinquent amount.

Roll call on Assembly Bill No. 416:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Titus, Tolles, Wheeler—8.

EXCUSED—Hambrick.

Assembly Bill No. 416 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Remarks by Assemblyman Yeager.

## ASSEMBLYMAN YEAGER:

Assembly Bill 422 revises provisions governing the failure of a material witness to appear at a legal proceeding. When bail is required for a material witness, the judge or magistrate must appoint an attorney and require the attorney to participate in the proceedings to the extent practicable. The judge or magistrate must consider the least restrictive means to secure the person's presence and make a determination whether the detention of the witness should continue. A person detained as a material witness who is a victim of domestic violence or sexual assault must be brought before a magistrate not later than 24 hours after being detained.

Roll call on Assembly Bill No. 422:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 422 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 423.

Bill read third time.

Remarks by Assemblyman Fumo.

## ASSEMBLYMAN FUMO:

Assembly Bill 423 authorizes a court to reduce the sentence of a person convicted of certain attempt crimes.

Roll call on Assembly Bill No. 423:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 423 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 427 prohibits the Board of Regents from assessing tuition charges against veterans of the Armed Forces of the United States who have been awarded the Purple Heart. The bill also provides for a waiver of fees assessed by the Board for such veterans to the extent the fees exceed the amount of any federal educational benefits to which a veteran is entitled.

Roll call on Assembly Bill No. 427:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 427 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 429 allows the Board of Regents to grant a waiver of not less than half of the total registration and other fees for a veteran who is a state resident, if he or she has completed a bachelor's degree and is enrolled in, or plans to enroll in, certain graduate degree programs. Eligible programs include those designated as critical need occupations by Nevada's Department of Employment, Training and Rehabilitation in the fields of science, technology, engineering, arts, mathematics, or health science.

Roll call on Assembly Bill No. 429:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, Neal—2.

Assembly Bill No. 429 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 430 requires the 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.

Roll call on Assembly Bill No. 430:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Titus, Wheeler—7.

EXCUSED—Hambrick, Neal—2.

Assembly Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblymen Watts, Tolles, and Edwards.

ASSEMBLYMAN WATTS:

Assembly Bill 431 maintains the right to vote of a person who has been convicted of a crime but who is not in prison and immediately restores the right to vote to a person who has been released from prison. Furthermore, the measure provides for the restoration of the right to vote of certain residents of this state who have not had their right to vote restored.

I want to say that as somebody who has done work to try and help people get registered to vote and have their rights restored, this is a good government bill. This is going to make the process much more efficient for our elections and corrections officials. More importantly, it is the right thing to do. Once people are released, we expect them to rejoin society, get a job, find a place to live, and connect and contribute something valuable to our community. I think letting people have a vote and a voice in the process is fundamental to that reentry and to reducing recidivism. I urge my colleagues to support this bill.

ASSEMBLYWOMAN TOLLES:

I rise in support of Assembly Bill 431. I confess I was not in favor of this legislation when it was first presented. But after much research and reflection, I have come to the conclusion that I cannot stand in support of some constitutional rights like the right to free speech, the right to freedom of religion, the right to bear arms and simultaneously support the constitutional right to vote from others solely because of crimes they have committed in the past.

Over the past couple of weeks, I have read a dozen reports, analyzed charts, and reviewed detailed timelines on the history of voter disenfranchisement. Over that process I felt gratitude, grief, and conflict. I felt gratitude for the opportunity to open my eyes to something I had not seen before. I felt grief over the intertwining history of racism and voter rights around the Civil War and the Civil Rights Movement and the effort to disenfranchise certain populations. I felt conflict between some personal discomfort over full and immediate restoration and the reality that I cannot, with any intellectual integrity, find a nexus between the constitutional right to vote and public safety.

Today we pride ourselves on helping those reintegrate into society and with them we celebrate their successes. We tell them we are ready for them to work, pay taxes, and return to society, but we prevent them from participating in what is the foundation of any civil society—the right to participate in a free and fair democratic election. As we are approaching the one-hundredth anniversary of the women's right to vote, I have been particularly thoughtful over the benefit I have received from exercising that right. So I would urge my colleagues to please join “We the People . . . in Order to form a more perfect Union, establish justice, . . . and secure the Blessings of Liberty . . .” by joining me in voting to restore these rights.

ASSEMBLYMAN EDWARDS:

This is an interesting bill for a lot of us because there are a lot of us who would really like to vote for it. Our colleague from the South talked about it being good government. I think it is good, but I think it needs to be better. And the better is to simply make sure that once they have passed their parole or their probation, that then, is the time that this right should be restored. I think doing it immediately upon release is almost unfair to them because they are still trying to transition back into civilian life. I think this should simply wait until they are done with probation. Then there are many more of us in this room that could easily support this. I wish you would give that some consideration and until that does happen, I will vote no.

Roll call on Assembly Bill No. 431:

YEAS—32.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Leavitt, Roberts, Titus, Wheeler—9.

EXCUSED—Hambrick.

Assembly Bill No. 431 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 432.

Bill read third time.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Assembly Bill 432 establishes worker cooperative corporations in Nevada. The bill provides that a private corporation may elect to be governed as a worker cooperative corporation and establishes various requirements of articles of incorporation or bylaws that such a corporation must implement. The bill also authorizes a worker cooperative corporation to act as an internal capital account cooperative and allows the corporation to set up various accounts. A corporation may declare patronage dividends from net earnings and issue membership shares and other capital stock. Finally, the bill sets forth procedures on how a corporation may revoke its election to be governed as a worker cooperative corporation as well as provisions that allow the merger with another worker cooperative corporation, under certain circumstances.

Roll call on Assembly Bill No. 432:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Torres, Wheeler—3.

Assembly Bill No. 432 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 434 establishes the legislative intent that the incarceration of a person for failing to appear in court or failing to pay any fee, fine, or court fee imposed for the commission of a minor traffic violation should generally be disfavored unless failing to incarcerate such a person would substantially jeopardize public safety. The measure establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance. A warrant is prohibited from being issued for a failure to pay unless the person has been provided with the opportunity to perform community service to satisfy the amount owed and has failed to do so. Finally, certain convictions for a minor traffic violation are not criminal convictions for the purpose of applying for employment, a professional license, or any educational opportunities.

Roll call on Assembly Bill No. 434:

YEAS—34.

NAYS—Ellison, Hafen, Hansen, Smith, Titus, Wheeler—6.

EXCUSED—Carrillo, Hambrick—2.

Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Assembly Bill 439 revises various provisions relating to the imposition of certain fees, costs, and administrative assessments in juvenile proceedings. The juvenile court is required, to the extent possible, to arrange for the child to receive such services. The measure repeals the requirement that a child or the parent or guardian of a child pay an administrative assessment fee if the juvenile court imposes a fine against the child.

Roll call on Assembly Bill No. 439:

YEAS—40.

NAYS—None.

EXCUSED—Carrillo, Hambrick—2.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 440 requires a licensee who builds a new residence to provide to the purchaser of the residence a disclosure describing the rights of the purchaser and a builder's warranty that meets certain criteria. The builder's warranty must be valid for at least one-year from the date of occupancy and allow for an extension beyond the one year period until the claim has been resolved or the item requiring repair has been reasonably repaired.

Roll call on Assembly Bill No. 440:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblywomen Backus and Carlton.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 443, in its first reprint, removes the prospective October 1, 2025, expiration date of the Clark County Sales and Use Tax Act of 2005, which provides for the imposition of an additional sales and use tax rate in Clark County to hire and equip additional police officers. The tax established under this Act, which is currently imposed in Clark County at a rate of 0.3 percent, would be made permanent under this change.

The bill additionally mandates the periodic reports required under the Act to be expanded to require additional specific information regarding equipment purchased. The report must also

contain specific information related to academies held by the police department, including information relating to the hiring status of persons attending the academy and expenditures on equipment for those persons. Provisions are added making it a category D felony to knowingly provide or include false or misleading information or to cause false or misleading information to be provided or included in the periodic reports required under the current law.

ASSEMBLYWOMAN CARLTON:

I rise in opposition to Assembly Bill 443. It is no surprise to anyone who has served with me in this body and/or been a spectator in the gallery that I have had concerns about this particular tax ever since it was initiated when I served at the north end of this building. My concern is basically that it is not distributed and shared fairly with all of those that are impacted by the work that is done. It strictly goes to the officers. It does not go to the support staff or any of the other folks that work within the agency, and also it does not include our state employees. You can have a local jurisdiction police officer standing next to a highway patrolman and one is going to be treated one way and one is going to be treated another way. They can be at the same scene of the same accident going through the same situations, but that money is not shared. It is strictly for one agency and one agency alone, and it is not even distributed fairly across that agency. My position on this has not changed for as long as this tax has been in effect in 2005. Mr. Speaker, I am nothing if not consistent.

Roll call on Assembly Bill No. 443:

YEAS—33.

NAYS—Bilbray-Axelrod, Carlton, Ellison, Hansen, Kramer, Munk, Titus, Wheeler—8.

EXCUSED—Hambrick.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblyman Fumo.

ASSEMBLYMAN FUMO:

Assembly Bill 448 revises procedures for filling a vacancy in a legislative office.

Roll call on Assembly Bill No. 448:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 449 directs the Legislative Committee on Child Welfare and Juvenile Justice to conduct a study of juvenile detention in Nevada in the 2019–2020 interim. The study must consider a regional approach to housing juvenile offenders, review the adequacy of current institutions and facilities to house juvenile offenders, review the adequacy of family and community engagement, and analyze current offerings of educational and health programming in institutions and facilities. In addition, the study must review practices in other states, including housing youth offenders tried as adults as well as sentencing standards and practices. The study



must also take into account facilities, programs, and services available to youths deemed incompetent. The bill requires Nevada's Department of Corrections and state and local facilities for juvenile offenders to provide data. The Committee may seek technical assistance from state and national experts. The study was proposed by the 2017-2018 Legislative Committee on Child Welfare and Juvenile Justice.

Roll call on Assembly Bill No. 449:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 453.

Bill read third time.

Remarks by Assemblywoman Tolles.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 453 provides that certain provisions governing licensed psychologists also apply to registered psychological assistants, psychological interns, and psychological trainees. Specifically, the bill addresses certain recordkeeping and reporting requirements, disciplinary actions, and the submission of fees for initial registration. Furthermore, the bill revises the processing of complaints and disciplinary proceedings filed against a person practicing psychology, including the elimination of the express involvement of the Attorney General in this process. This bill is effective on July 1, 2019.

Roll call on Assembly Bill No. 453:

YEAS—36.

NAYS—Ellison, Hafen, Kramer, Titus, Wheeler—5.

EXCUSED—Hambrick.

Assembly Bill No. 453 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblyman Edwards.

ASSEMBLYMAN EDWARDS:

Assembly Bill 457 revises provisions related to the practice of chiropractic. The bill removes the requirement that a chiropractic license applicant shall complete certain transactions with the Chiropractic Physicians' Board of Nevada 60 days in advance of the date of his or her licensing examination, but it prohibits an applicant from taking the licensing examination until the Board's Executive Director determines that his or her application is complete. In addition, an applicant who may perform chiropractic under certain conditions while waiting for the licensing examination shall not practice in such manner longer than 90 days. The bill also requires that an applicant furnish evidence of successful completion of certain approved institutes.

This bill authorizes the Board to adopt regulations that provide for random audits of chiropractors and chiropractor's assistants to ensure compliance with certain continuing education requirements. The bill also revises the grounds for initiating disciplinary action by including conviction for any crime relating to the practice of chiropractic and adding incompetence or negligence in the practice of chiropractic.

Finally, this bill removes the prohibition that three or more persons who are resident graduates of the same school or college of chiropractic shall not serve on the Board at the same time.

Roll call on Assembly Bill No. 457:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 461 creates the position of Liaison for Post-Secondary Education for Homeless Pupils within the Nevada System of Higher Education [NSHE] to assist homeless and unaccompanied pupils in pursuing postsecondary education. Finally, the bill authorizes the Board of Regents of NSHE to grant a waiver of registration and laboratory fees for homeless and unaccompanied pupils.

Roll call on Assembly Bill No. 461:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Remarks by Assemblyman Thompson.

ASSEMBLYMAN THOMPSON:

Assembly Bill 462 requires the State Public Charter School Authority to prepare a five-year growth management plan that must be submitted to the Legislative Committee on Education by January 2020. It requires charter school sponsors to communicate and prepare, with school districts where proposed charter schools will be located, an evaluation of the demographic information and academic needs of students in the area. It directs sponsors to complete periodic site evaluations of each charter school campus and includes a requirement to identify performance deficiencies and develop plans for improvement.

Roll call on Assembly Bill No. 462:

YEAS—37.

NAYS—Edwards, Ellison, Titus, Wheeler—4.

EXCUSED—Hambrick.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 465.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 465 provides for the implementation of an expanded solar access program by certain electric utilities in this state. The bill requires such electric utilities to offer an expanded solar access program to residential customers and to certain nonresidential customers who consume less than 10,000 kilowatt-hours of electricity per month. The Public Utilities Commission of Nevada shall adopt regulations establishing the standards for the program. The Commission must review an electric utility's plan for an expanded solar access program and issue an order approving or denying the plan within 210 days.

Among other requirements of this plan: the total capacity of the megawatt-hours of the expanded solar access program is below a certain amount, the program broadens access to solar energy to an equitable manner, and the program provides participating low-income residential customers with electric bill savings. The bill also requires an electric utility, in implementing expanded solar access programs, to make use of a certain number of community-based solar resources and utility scale solar resources.

Roll call on Assembly Bill No. 465:

YEAS—39.

NAYS—Ellison, Titus—2.

EXCUSED—Hambrick.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblywoman Titus.

ASSEMBLYWOMAN TITUS:

I am honored to present this bill. Assembly Bill 469 limits the amount a provider of health care may charge a person who has health insurance for certain medically necessary emergency services provided by a health care provider who is out of the health insurer's network of preferred providers. The bill also requires an insurer to arrange for the transfer of a person who has health insurance to an in-network facility after the patient is medically stable. The bill prescribes the procedures for determining the amount that an insurer is required to pay a provider of health care that is out of network for certain medically necessary emergency services provided to an insured. Finally, the Department of Health and Human Services is required to compile and submit a report regarding identifiable trends and the impact of the reimbursement method prescribed in the bill on provider contracts and health care.

I want to acknowledge all of the work and effort that went into Assembly Bill 469 over several sessions. Nobody likes this bill, which makes it a great bill. Thank you, Mr. Speaker, for your hard work, and I hope everyone will support this bill.

Roll call on Assembly Bill No. 469:

YEAS—38.

NAYS—Edwards, Ellison, Wheeler—3.

EXCUSED—Hambrick.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 472 requires certain health insurance providers to cover maternity care for a gestational carrier. Furthermore, if a child is born from a gestational carrier, the child is considered a dependent of the intended parent. These provisions apply to any health insurance that includes coverage for maternity care with the exception of Medicaid and any insurance provided by local governments for their employees.

Roll call on Assembly Bill No. 472:

YEAS—41.

NAYS—None.

EXCUSED—Hambrick.

Assembly Bill No. 472 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Assembly Bill 477 enacts the Consumer Protection from the Accrual of Predatory Interest After Default Act, which contains provisions governing the use of form contracts in certain retail consumer transactions, including retail charge contracts, retail installment transactions, and lease agreements. Among other things, the bill sets forth various limitations on the accrual of interest in certain consumer form contracts and the collection of attorney's fees in any action for collection of a consumer debt by a business. The bill provides that if a consumer form contract violates any of this bill's provisions, the contract shall be void and unenforceable. Furthermore, a business is prohibited from using consumer form contracts if it is not in compliance with this bill's provisions.

Roll call on Assembly Bill No. 477:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

Assembly Bill No. 477 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 482 revises provisions relating to an application for issuance or renewal of a certificate of permission to perform marriages. A person who is an applicant to become a marriage officiant must take a training course, if established by the county clerk, and pay a fee for a certificate of permission to perform marriages or specific marriages.

Roll call on Assembly Bill No. 482:

YEAS—35.

NAYS—Ellison, Hafen, Hardy, Leavitt, Titus, Wheeler—6.

EXCUSED—Hambrick.

Assembly Bill No. 482 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Assembly Bill 485 applies certain protections, duties, and responsibilities of persons riding bicycles and electric bicycles to persons operating electric foot scooters. Further, the bill provides a civil penalty of \$250 for a scooter-share operator or a customer of a scooter-share operator who allows a person under 16 years of age to operate a shared scooter.

Roll call on Assembly Bill No. 485:

YEAS—40.

NAYS—Titus.

EXCUSED—Hambrick.

Assembly Bill No. 485 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 492 provides that under circumstances involving the witnessing of or participation in certain traumatic events, posttraumatic stress disorder suffered by a first responder is a compensable occupational disease. Under these circumstances, existing provisions of law requiring that a mental injury be caused by extreme stress in time of danger in order to be considered a compensable injury or disease do not apply. First responders suffering from posttraumatic stress disorder are also exempted from provisions involving certain claims for stress governing payment of temporary total and permanent partial disability compensation benefits.

Roll call on Assembly Bill No. 492:

YEAS—36.

NAYS—Hafen, Hansen, Kramer, Titus, Wheeler—5.

EXCUSED—Hambrick.

Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to 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 7:25 p.m.

## ASSEMBLY IN SESSION

At 8:48 p.m.  
Mr. Speaker presiding.  
Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

## WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Frierson.

For: Assembly Bill No. 77:

To Waive:

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

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

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

Has been granted effective: April 23, 2019.

SENATOR NICOLE J.CANNIZZARO

ASSEMBLYMAN JASON FRIERSON

*Senate Majority Leader*

*Speaker of the Assembly*

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 30, 60, 86, and 275 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Joint Resolution No. 9 and Assembly Bill No. 369 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly withdraw Assembly Bill No. 371 from Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 77 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 30.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 645.

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 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 authorizes, under certain circumstances, the State Engineer to require an applicant for a permit to submit a monitoring, management and mitigation plan. **Section 1** also requires the State Engineer to 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 in the amount of water set forth in an application, before rejecting an application because the proposed use or change set forth in the application may conflict with existing rights or protectable interests in domestic wells as set forth in NRS 533.024, the State Engineer may require the applicant 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 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 ~~11~~ **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 monitoring, management and mitigation plan to avoid any potential conflict is 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, reengrossed and to third reading.

Assembly Bill No. 60.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 643.

AN ACT relating to criminal justice; revising the definition of domestic violence; increasing certain penalties relating to battery which constitutes domestic violence; imposing a fee on certain unlawful acts that constitute domestic violence; requiring such 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 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) **Section 3.5** of this bill requires the court to order 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. **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 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 requires the court to impose intermittent confinement of not less than 12 consecutive 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 20 days.

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.

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 offense is guilty of a gross misdemeanor; and (2) for the 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 \$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.

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 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; ~~†~~
- (c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300 ~~†~~; **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 of NRS 201.300 ~~†~~ **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.** (Deleted by amendment.)

**Sec. 6.** (Deleted by amendment.)

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** (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.** (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.** 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.

**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) 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;

~~¶(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.

(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, 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~~ **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.

(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~~ **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, 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 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$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 felony and shall be punished as provided in NRS 193.130 . ~~and by a fine of not more than \$15,000.~~

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

(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 offense, is guilty of a gross misdemeanor.*

*(b) For the 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 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.*

5. *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 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 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.*

6. 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.

~~§ 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. 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.~~ 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.~~ 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~~ **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~~ **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~~ **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~~ **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 , ~~to~~ 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 , ~~to~~ 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 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. ***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~~ 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~~ 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~~ 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~~ 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.

~~18.~~ **10.** The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~19.~~ **11.** As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of ~~two or more~~ **two or more** acts over **a period of time**, 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) "**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.** (Deleted by amendment.)

**Sec. 19.** (Deleted by amendment.)

**Sec. 20.** (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 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 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 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 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;

~~(c)~~ ~~(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~~ 7 of NRS 200.575;

~~(d)~~ ~~(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;

~~(e)~~ ~~(f)~~ Is a fugitive from justice;

~~(f)~~ ~~(g)~~ Is an unlawful user of, or addicted to, any controlled substance; or

~~(g)~~ ~~(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.** (Deleted by amendment.)

**Sec. 24.** (Deleted by amendment.)

**Sec. 25.** (Deleted by amendment.)

**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.** (Deleted by amendment.)

**Sec. 33.** (Deleted by amendment.)

**Sec. 34.** (Deleted by amendment.)

**Sec. 35.** (Deleted by amendment.)

**Sec. 36.** (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); ~~or~~

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300 ~~or~~; *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 , ***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.

~~(c)~~ (d) "Sex trafficking" means a violation of subsection 2 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 200.485~~ *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)}~~ (c) To the extent that money is available, provide financial support to programs for the prevention of domestic violence in this State;

~~{(e)}~~ (d) 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)}~~ (e) 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.

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 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 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 ~~¶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.** (Deleted by amendment.)

**Sec. 45.** (Deleted by amendment.)

**Sec. 46.** 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, reengrossed and to third reading.

Assembly Bill No. 86.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:

Amendment No. 644.

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 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.

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 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, 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. “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. “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. “Local school precinct” has the meaning ascribed to it in NRS 388G.535.

6. ***“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.***

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~~ 8. *“Responding offeror” means a person who responds to a solicitation made by a governing body or its authorized representative.*

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. “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 must** not conflict with the provisions of this chapter.

~~{5. As used in this section, "on-line bidding" means a process by which bidders 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.}~~

**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~~ **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) **If the contract requires the delivery of goods, the total cost of ownership of the goods;**
- (h) **If the contract requires the delivery of goods, the purpose for which the goods to be supplied are required;**
- (i) The best interests of the public; and
- ~~(h)~~ (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, ~~and~~ 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;

~~(r)~~ (r) Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of persons with disabilities; and

~~(s)~~ (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.~~ 2. By deliveries under contracts;
- ~~4.~~ 3. By open market purchases through the Administrator; or
- ~~5.~~ 4. 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]~~ ***Members of 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.~~

~~4.1~~ 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.

~~5.1~~ 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 ~~3.1~~ 4, and is not required to accept the lowest-priced proposal.

~~6.1~~ 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 ~~that~~ **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 ~~that~~ **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 ~~that~~ **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 ~~that~~ **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~~:

- 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 ~~;~~ ***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. 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.

~~{2.— 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 ~~{1}~~ 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.

~~{2.— 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.] (Deleted by amendment.)~~

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.]~~

**(Deleted by amendment.)**

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.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 275.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 642.

AN ACT relating to licensing; 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. (Title 54 of NRS; Chapters 119A, 240, 289, 361, 379, 437, 449 and 450B of NRS; NRS 391.060 ) 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 622, 623A, 625, 631, 635, 636, 637, 641, 641A, 641B, 641C, 644A, 649, 656 of NRS; NRS 391.060, 437.205, 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 )

**Sections 4-12, 19-31, 34-65, 67-73, 75-99, 101-110, 112, 115, 123 and 126-128** of this bill 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 alien who is not lawfully present in the United States through enactment of state law. (8 U.S.C. § 1621(d))

**Sections 2, 3, 113, 114, 116, ~~118~~, 117, 120-122, 125, 129, 132 and 138** of this bill 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, which must only be used for certain purposes.

**Sections 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:

**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;

~~[(d)]~~ (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;

~~[(e)]~~ (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;

~~[(f)]~~ (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;

~~[(g)]~~ (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;

~~[(h)]~~ (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

~~[(i)]~~ (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 ~~(h)~~ (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 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;

~~[(d)]~~ (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

~~[(e)]~~ (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 ~~[(d)]~~ (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 ~~[(d)]~~ (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 ~~[(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 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;

~~[(e)]~~ (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;~~
- ~~(e)~~ 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)~~ 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)~~ 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 ~~(g)~~ (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

~~6.1~~ 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;~~

~~4.1~~ 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

~~5.1~~ 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

~~{(e)}~~ (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

~~{(e)}~~ (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 ~~{~~

~~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 ~~†~~

~~—(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;

~~[(f)]~~ (e) Passes the written and oral examinations 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 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)~~ 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) 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.

~~(f)~~ (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.

~~(e)~~ (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.

~~(f)~~ (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 ~~(e)~~ (d) of subsection 1 of NRS 644A.365 must include:

- (a) A written test on antiseptics, 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 ~~[(f)]~~ (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.~~
- ~~(e)~~ 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) 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.~~

~~2.1~~ Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

~~3.1~~ 2. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application.

~~4.1~~ 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.

~~5.1~~ 4. Has not made a false statement of material fact on the application.

~~6.1~~ 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.

~~7.1~~ 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;

- ~~13-~~ 2. Is of good moral character;
- ~~14-~~ 3. Has not been convicted of a felony relating to the practice of court reporting;
- ~~15-~~ 4. Has a high school education or its equivalent;
- ~~16-~~ 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;
- ~~17-~~ 6. Pays the requisite fees; and
- ~~18-~~ 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) Be at least 18 years of age.~~
- ~~(d) Possess his or her civil rights.~~
- ~~(e) 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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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 {~~~~

~~—6.} or internal policies or programs of a federal agency or department.~~

2. The State Controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection ~~{5.} I.~~

~~{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.} I~~ 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 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 Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 259 revises procedures to determine when a candidate advances from a primary election ballot to a general election ballot. In a primary election for a partisan office, if two or more major political parties have candidates for a particular office and at least one of the parties has several candidates for the office, then the names of the major party candidates must appear on the primary election ballot. The candidates who receive the most votes at the primary election of the respective parties must be declared the nominees and their names placed on the general election ballot along with any other candidates who qualify by law.

Roll call on Assembly Bill No. 259:

YEAS—30.

NAYS—Carrillo, Edwards, Ellison, Hardy, Kramer, Krasner, Neal, Spiegel, Titus, Wheeler—10.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 344 requires a political subdivision of this state to allow a video service provider to construct, install, place, maintain, operate, repair, or replace micro wireless facilities on the video service network of the provider. A video service provider is required 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, A.B. 344 provides that these provisions do not otherwise limit the authority of a local government to license telecommunication providers and establish certain conditions on such licenses or affect the authority of a local government to manage its public rights-of-way or exercise its police powers and land use powers.

Roll call on Assembly Bill No. 344:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 376 requires certain designated entities to submit a report to the Legislature with information on the transfer of persons in their custody to the custody of federal agencies for the

purpose of immigration enforcement. In addition, the measure 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 must inform the prisoner of the purpose of the questions regarding the immigration status of the prisoner.

Roll call on Assembly Bill No. 376:

YEAS—32.

NAYS—Edwards, Ellison, Hafen, Hansen, Krasner, Leavitt, Titus, Wheeler—8.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 376 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 76 removes Esmeralda and Nye Counties from the Southern Behavioral Health Region and places them within the Rural Behavioral Health Region. In addition, Clark County is removed from the Southern Behavioral Health Region, thereby eliminating that region, and the Clark Behavioral Health Region is created consisting only of Clark County. The measure revises the appointing authority for the members of the regional behavioral health policy boards and authorizes the appointment of members with alternative qualifications under certain circumstances. The measure specifies that a policy board is not required to meet during a legislative session and provides that a member who is a legislator is excused from attendance at any meetings held during a legislative session.

Roll call on Assembly Bill No. 76:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 76 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 129.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Assembly Bill 129 requires ambulance attendants, firefighters, emergency medical technicians, advanced emergency medical technicians, paramedics, and peace officers to complete training concerning persons with developmental disabilities before initial licensure or certification, as applicable. Further, the measure requires first responders who are already certified or licensed to submit on or before October 1, 2020, proof that they have completed the training.

Roll call on Assembly Bill No. 129:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 129 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 242.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 242 provides for the creation of the Nevada Air Service Development Commission and the Nevada Air Service Development Fund to provide incentives for certain air carriers to improve service to certain airports in Nevada.

The bill provides for the composition of the Commission and requires the Commission to administer the Fund and develop a program to provide grants from the fund to certain air carriers. The Commission may also accept gifts, bequests, grants, appropriations, and donations from any source for deposit in the Fund.

Roll call on Assembly Bill No. 242:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblywomen Gorelow, Titus, and Cohen.

ASSEMBLYWOMAN GORELOW:

Assembly Bill 66 authorizes the Division of Public and Behavioral Health in the Department of Health and Human Services to establish psychiatric hospitals to provide crisis stabilization services. The Division is authorized to enter into a contract with a provider of behavioral health services to provide crisis stabilization services at the psychiatric hospital.

ASSEMBLYWOMAN TITUS:

If I might ask the sponsor of this, is it going to be privately run hospitals and then they will contract with Medicaid? Are we going to be operating state psychiatric facilities in rural areas? I just want to confirm that the intent of this bill was to ask Medicaid to contract with privately run institutions if we could encourage them to come to the rural areas, and that the state was not going to be obligated to create psychiatric hospitals.

ASSEMBLYWOMAN COHEN:

It is privately run hospitals only.

Roll call on Assembly Bill No. 66:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblymen Watts, Tolles, Carrillo, and Yeager.

ASSEMBLYMAN WATTS:

Assembly Bill 421 revises provisions relating to constructional defects. The definition of a “constructional defect” is revised to include violation of local codes or ordinances and work not completed in a good and workmanlike manner that is reasonably likely to cause personal injury or property damage. This bill changes from “specific detail” to “reasonable detail” the nature of the defects or any damages or injuries incurred that must be specified in a claim. The requirement that an expert be present at an inspection is removed. A unit-owners’ association is authorized to bring an action for a constructional defect if the action pertains to common elements. Lastly, the measure makes changes relating to warranties, statutes of limitations or repose, and time frames concerning when an action for the recovery of certain damages may be commenced.

ASSEMBLYWOMAN TOLLES:

I rise today in opposition to Assembly Bill 421. Before reforms to construction defect law were implemented in previous sessions, Nevada’s construction defect caseload was 38 times higher than the national average. A 2015 survey found that 52 percent of homeowners involved in construction defect litigation were unaware of their options to make claims under their warranty coverage rather than sue, while 67 percent became aware of their involvement in such litigation after the fact. Since the passage of Assembly Bill 125 in 2015, the annual number of homes in litigation for construction defects has fallen by nearly 90 percent from its peak in 2014. The total cost to settle construction defect cases dropped from \$32 million to \$4 million. That decreased litigation risk has led to a rebound in the multi-family attached home market, and moving forward with A.B. 421 will undoubtedly shrink, if not eliminate, the multi-family, attached for sale market, leaving many Nevadans completely without viable housing options. Increased litigation exposure will drive up the price of all other new homes as well. Anywhere from 4,000 to 8,000 Nevadans are expected to be priced out of new home ownership due to the increased home prices.

The purpose of the current system we have in place is to give a builder notice and an opportunity to repair claimed defects. The current law also provides for early and reasonable settlements. Our current system works. Moving backward on these reforms will be harmful for homeowners, business owners, and middle class families across this state. In considering the history and the negative impact on increasing insurance rates and the subsequent cost of housing for constituents in Assembly District 25, and indeed across the state, I cannot support Assembly Bill 41, and I urge my colleagues to please vote no.

ASSEMBLYMAN CARRILLO:

I rise in opposition to Assembly Bill 421. I am a homeowner in Nevada, and I believe we need consumer protections for homeowners and future homeowners. I also know that many in this body are aware of the construction defects that have been a contentious issue in the Legislature for many years. However, in this session, as we concurrently talk about affordable housing, it is hard to fathom that this bill will have anything but a negative impact on the ability to do that. We know that in the recent years, there has been a decrease in the litigation that has led to lower building costs and the revival of the building of condos and townhomes. This is the kind of entry-level housing that my constituents can afford in their pursuit of home ownership. As a licensed contractor, I understand how important it is to have the opportunity to repair before we go to litigation. Nevada is in the middle of an affordable housing crisis. We need to focus on legislation that decreases the cost of housing and increases the supply of affordable housing for our constituents. Assembly Bill 421 moves us in the wrong direction. For all these reasons, I will be voting no and urge my colleagues to oppose A.B. 421 as well.

ASSEMBLYMAN YEAGER:

I rise in support of Assembly Bill 421. For most Nevadans, their home is their most significant investment. When we heard this bill in the Assembly Judiciary Committee, we heard multiple instances where someone did not realize there were serious structural defects in their home until after the six-year statute of repose had already run, leaving them with absolutely no recourse. Assembly Bill 421 strikes the right balance between making sure that Nevadans’ biggest and most important investment is protected while also making sure that we strike the right balance. For that reason, Mr. Speaker, I would urge my colleagues’ support of Assembly Bill 421.

Roll call on Assembly Bill No. 421:

YEAS—27.

NAYS—Carrillo, Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—13.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Assembly Bill 371 requires 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 entity to submit the information to the Director of the Legislative Counsel Bureau. The Director must compile the information received from each governmental entity and provide the report to a member of the public upon request; post notice of the availability of the report on an Internet website maintained by the Legislative Counsel Bureau; and transmit the report to the Legislative Commission and to the next regular session of the Legislature.

Roll call on Assembly Bill No. 371:

YEAS—31.

NAYS—Edwards, Ellison, Hafen, Hardy, Krasner, Leavitt, Roberts, Tolles, Wheeler—9.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 30 authorizes the State Engineer, if an application for a permit to appropriate water does not potentially conflict with existing rights or certain protectable interests, to require an applicant for a permit to appropriate water to submit a management, mitigation, and monitoring plan. If an application for a permit to appropriate water potentially conflicts with existing rights or certain protectable interests, the State Engineer may require the applicant to make a reasonable effort to avoid the potential conflict. Lastly, the applicant has to show that any potential conflict with existing rights or protectable interests in domestic wells will be avoided before the State Engineer may approve the application. If the applicant has not shown that the potential conflict will be avoided, the State Engineer shall reject the application.

I stand in support of Assembly Bill 30. This bill, as amended, is a compromise that went through multiple thoughtful discussions. Ultimately it received support from rural water authorities, agriculture, and conservation interests. The office of the State Engineer has expressed its support of the amended bill and the limited applicability of it. With that, I urge your support of this bill.



Roll call on Assembly Bill No. 30:

YEAS—31.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Tolles, Wheeler—9.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 60 revises various provisions regarding domestic violence, assault, stalking, and facilitating sex trafficking when involving a child victim and increases certain penalties relating to those crimes.

Roll call on Assembly Bill No. 60:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 60 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 86 makes various changes to government purchasing provisions, changing the terms “bid” to “response” and “request for bids” to “solicitation” in the Local Government Purchasing Act; requiring local governments to maintain records of all solicitations and all responses for seven years after the execution of the contract, regardless of the estimated annual amount required to perform the contract; increasing from \$50,000 to \$100,000 the minimum monetary threshold at which local governmental purchasing contracts must be advertised; and requiring a local government to award a contract on the basis of price if the estimated cost to perform the contract is between \$50,000 and \$100,000.

Roll call on Assembly Bill No. 86:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 275.

Bill read third time.

Remarks by Assemblymen Torres, Flores, and Tolles.

ASSEMBLYWOMAN TORRES:

Assembly Bill 275 prohibits certain regulatory bodies from denying licensure of an applicant based on his or her immigration or citizenship status.

I rise in support of this legislation. This bill does not give any person the ability to work. I want to make that clear. This is a licensing bill. Licensing proves an individual's competency. It does not prove their eligibility to work. This bill is just an effort for us to get hard-working Nevadans back to work as soon as possible.

ASSEMBLYMAN FLORES:

I rise in support of Assembly Bill 275. I want to share with my colleagues that there is a whole host of individuals that enter this country lawfully. They marry a U.S. citizen but the process for them to become a legal permanent resident sometimes takes a year-and-a-half or two years. They are here lawfully, but what is happening right now to these individuals is that they are about to become legal permanent residents, they are doing everything right, they have filed all the paperwork, they have gone through the vetting process through the Department of Homeland Security but because there is a long wait, they are waiting a year and a half. Once they become legal permanent residents, they have been here a year and a half, they have not had an opportunity to start working. Now that they have their legal permanent resident card or work permit, they apply to a board. This bill is helping these families who are here lawfully and are about to become legal permanent residents in the future by allowing them to start getting all their paperwork in line and doing everything they need to do so that when they become legal permanent residents or when that work permit arrives, they can start working lawfully. Those are the people we are capturing with this bill.

ASSEMBLYWOMAN TOLLES:

I appreciate the clarifications. I just want to make perfectly clear that all this does is while somebody is waiting for their immigration status to be approved, they can start the process of getting their license. When they get approved, and only when they get approved, then they are eligible to start work right away.

ASSEMBLYWOMAN TORRES:

To answer the question from my colleague from the North, this piece of legislation does exactly that. An individual is able to apply for their professional occupational license, and as soon as they are eligible to work, they can begin working.

Assembly Bill No. 275.

Bill read third time.

Roll call on Assembly Bill No. 275:

YEAS—29.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Wheeler—11.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 70 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 70.

Bill read third time.

The following amendment was proposed by Assemblyman Flores:  
Amendment No. 647.

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, to conduct a public 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 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."

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 court reporter 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.

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 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; (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 2.5 of this act.

**Sec. 2. 1.** *A public body may conduct a meeting 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.*

**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.** (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 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.** (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. Minutes of public meetings are public records. Minutes or an audio recording of a meeting made in accordance with subsection 4 must be made available for inspection by the public within 30 working days after adjournment of the meeting. A copy of the minutes or audio recording must be made available to a member of the public upon request at no charge. The 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 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 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 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. 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. Except as otherwise provided in subsection ~~7~~ 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. The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not

~~(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.

~~(b) Require a~~

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.

~~6~~ 7. Except as otherwise provided in subsection ~~7~~ 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 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.

~~7~~ 8. If a public body makes a good faith effort to comply with the provisions of subsections 4 and ~~6~~ 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.** (Deleted by amendment.)

**Sec. 9.** (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 ~~that~~ *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 ~~6~~ ~~17~~ 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.~~ ~~15.~~ 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.~~ ~~16.~~ A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

~~6.~~ ~~17.~~ 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.~~ **7.** *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.*

~~§ 8.~~ **8.** *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 30 days after receipt of any finding that the public body violated this chapter. If the Attorney General does not receive a response within 30 days after receipt of the finding, it shall be deemed that the public body 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, has** knowledge of the ~~fact that the meeting is in violation thereof,~~ **violation 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 ~~with~~ **occurs** and who participates in such ~~action at 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. *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 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 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.*

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. 25. (Deleted by amendment.)

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. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 70 makes various changes to the Open Meeting Law [OML], including but not limited to the following: provides that if a member of a public body attends a meeting of a 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; allows a public body to 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; and requires, under certain circumstances, a subcommittee or working group of a public body to comply with the provisions of the OML.

Roll call on Assembly Bill No. 70:

YEAS—31.

NAYS—Edwards, Hafen, Hansen, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—9.

EXCUSED—Hambrick, McCurdy—2.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4

Assemblywoman Benitez-Thompson moved the adoption of the resolution.

Remarks by Assemblywoman Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

This directs the Legislative Commission to conduct an interim study concerning wildfires.

Resolution adopted and ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 6

Assemblywoman Cohen moved the adoption of the resolution.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Concurrent Resolution 6 directs the Legislative Commission to appoint an interim committee to conduct a study of the working conditions in licensed brothels. The committee must consider the extent to which rules and conditions in brothels affect the health, safety, and general welfare of sex workers. The committee must consult with interested stakeholders, including brothel owners and operators, law enforcement, local governments, and workers. The committee, consisting of three members of the Senate and three members of the Assembly, must submit a report to the 2021 Session of the Legislature.

I realize that members may find this industry frankly distasteful. However, the bottom line is that we have legal brothels and there needs to be oversight by this body of those brothels. There needs to be fairness for the workers, there needs to be a modicum of uniformity, and the workers need to know their rights.

Resolution adopted and ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 7

Assemblywoman Jauregui moved the adoption of the resolution.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Concurrent Resolution 7 directs the Legislative Commission to appoint an interim committee to conduct a study relating to driving under the influence of marijuana. The committee must consider related scientific evidence, arrest and conviction data available from Nevada and other states that have legalized the use of marijuana, approaches taken by other states to address the issue, products and methods used to determine impairment at the roadside, existing relevant Nevada laws, and the impact of changes in laws that may affect employment and labor laws.

Resolution adopted and ordered transmitted to 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 9:35 p.m.

ASSEMBLY IN SESSION

At 9:37 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Thursday, April 25, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:39 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*