

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 23, 2019

Assembly called to order at 1:56 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused, and one vacant.

Prayer by the Chaplain, Reverend Tony Brandon.

Merciful God, thank You for Your presence, for this beautiful state we have the privilege of enjoying, and for the way you will guide us today. We ask Your blessings for all of those who choose to take up the difficult task of governing, not only those who are elected, but also those who serve as staffers, interns, and volunteers. Strengthen all of us and help us to display love, joy, peace, and generosity as we go about our work. Grant us a spirit of compassion and cooperation.

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 were referred Senate Bills Nos. 161, 230, 345, 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELLEN B. SPIEGEL, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 424, 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. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 128, 224, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 503, 504, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 511, 512, 515, 522, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 142, 233, 280, 335, 347, 362, 370, 385, 387, 398, 406, 410, 413, 430, 431, 432, 448.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 232, Amendment No. 742; Assembly Bill No. 252, Amendment No. 744; Assembly Bill No. 254, Amendment No. 743; Assembly Bill No. 275, Amendment No. 738; Assembly Bill No. 310, Amendment No. 737; Assembly Bill No. 316, Amendment No. 683; Assembly Bill No. 317, Amendment No. 745; Assembly Bill No. 361, Amendment No. 686; Assembly Bill No. 363, Amendment No. 680; Assembly Bill No. 365, Amendment No. 657; Assembly Bill No. 403, Amendment No. 678; Assembly Bill No. 404, Amendment No. 699; Assembly Bill No. 427, Amendment No. 675; Assembly Bill No. 429, Amendment No. 730, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 689 to Senate Bill No. 291.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 80, 128, 224, 234, and 364 just reported out of committee be placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 125, 444, 494, 503, 504, 505, 511, 512, 513, 515, 522, 523, and 539; Senate Bills Nos. 14, 29, 71, 94, 161, 207, 230, 242, 345, 355, 410, 417, 424, 450, 475, and 538 just reported out of committee be placed at the top of the Second Reading file.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 108, 126, 151, 175, 197, 212, 218, 224, 267, 298, 300, 320, 336, and 342 be taken

from their positions on the General File and placed after Assembly Bill No. 532 on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 129, 221, 328, 397, 431, and 432 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 2:06 p.m.

ASSEMBLY IN SESSION

At 2:09 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 197 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 778.

ASSEMBLYMEN NEAL, FLORES, **FUMO** AND MCCURDY

SUMMARY—Revises provisions governing bail, ~~in certain criminal cases.~~ (BDR 14-542)

CONTAINS UNFUNDED MANDATE (§ 5)

(Not Requested by Affected Local Government)

AN ACT relating to criminal procedure; ~~revising provisions governing factors to be considered by the court in deciding whether to release a person without bail; prohibiting a court from relying solely on a bail schedule in setting the amount of bail after a personal appearance by a defendant;~~ **prohibiting modification of bail in certain circumstances; revising provisions governing conditions of bail; revising provisions governing the consequences for failing to comply with conditions of bail; making various other changes concerning the manner in which bail is determined, the amount of bail and modifications to bail;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law sets forth certain factors which the court must consider in deciding whether there is good cause to release a person without bail. (NRS 178.4853) Section 1 of this bill includes in those factors the consideration of~~

~~whether one or more conditions can be imposed on the person to mitigate the risk of failure to appear or the risk to public safety and authorizes the court to use an evidence based risk assessment tool, if available.~~

~~Existing law sets forth certain factors for consideration by the magistrate in setting the amount of bail. (NRS 178.498) Section 2 of this bill provides that after the defendant has personally appeared before the magistrate, the magistrate may not rely solely on a standardized bail schedule to set the amount of bail.~~ **The Nevada Constitution and existing law requires all persons arrested for offenses other than murder of the first degree to be admitted to bail unless certain circumstances apply. (Nev. Const. Art. 1, § 7; NRS 178.484) This bill makes various changes relating to the manner in which bail is carried out.**

Existing law authorizes the court in which an indictment or information is presented for a felony charge to increase a defendant's bail and order the defendant to be committed to actual custody if the defendant does not pay the increased amount. (NRS 173.175) Section 4 of this bill prohibits the State from seeking a modification of the original bail determination if a court has made a determination of bail based on a criminal complaint, the State has elected to present the same case before a grand jury and an indictment has been returned, except in certain circumstances.

Existing law authorizes a court, before releasing a person arrested for a crime, to impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court. Existing law also sets forth a nonexclusive list of conditions of bail that the court is allowed to impose. (NRS 178.484) Section 5 of this bill provides that: (1) unless a defendant is automatically released pursuant to an administrative order adopted by the court, a magistrate is required to review the custody status of a defendant in accordance with certain procedures as soon as practicable after a defendant is taken into custody, but not later than 48 hours, including nonjudicial days, after the defendant is taken into custody; (2) each court is required to adopt an administrative order that provides for the release of defendants who are arrested without a warrant before holding a review of their custody status; and (3) each court is required to adopt and make available to the public an order containing written policies and procedures concerning reviews of the custody status of defendants. Section 5 also sets forth a priority for conditions of release in the following order: (1) own recognizance release with no additional conditions other than the promise of good behavior and the promise to appear in court as required; (2) own recognizance release with nonfinancial conditions; and (3) release with secured financial conditions. Additionally, section 5 provides that during any proceeding in which the court reviews the custody status of a defendant, there is a rebuttable presumption that the defendant should be released on his or her own recognizance and that monetary bail should be

imposed as a condition of release only when the magistrate determines that no other conditions of release will adequately ensure that the defendant will appear in court as required.

Section 5 further removes certain specified amounts of monetary bail in existing law for certain offenses involving domestic violence and for violating certain temporary or extended orders for protection. (See NRS 178.484)

Existing law authorizes a court, after providing the person with reasonable notice and an opportunity for a hearing, to deem failure to comply with a condition of bail as a contempt or increase the amount of bail. (NRS 178.484) Section 5 authorizes the court to also modify any condition of release, require any additional condition of release or set or increase the amount of monetary bail after conducting a review of the custody status of a defendant.

Existing law requires notice to the bail agent of a surety bond before releasing the defendant for whom it was issued when the defendant was charged with the commission of a category A or B felony and after being admitted to bail on the surety bond is taken into custody in the same jurisdiction, charged with another such felony and ordered to be released from custody without bail. (NRS 178.4855) Section 6 of this bill removes the requirement of notice to the bond agent and instead requires, under such circumstances, the defendant to have his or her custody status renewed, which may result in the addition or modification of conditions of release.

If a defendant released on bail commits a felony during the period of release, existing law allows the defendant's bail to be revoked following a hearing. Pending the hearing, the defendant may be held without bail on the new felony charge. (NRS 178.487) Section 7 of this bill requires the magistrate under such circumstances to conduct a review of the custody status of the defendant as soon as practicable and within 48 hours, excluding nonjudicial days, to the extent possible. The defendant must not be released until that review of the custody status of the defendant is held.

Existing law sets forth factors a magistrate is required to consider in setting the amount of bail. (NRS 178.498) Section 8 of this bill provides that: (1) a magistrate may only impose monetary bail or a secured bond if no nonmonetary conditions will ensure reasonably the appearance of a defendant and the safety of the community; (2) the amount of the monetary bail or secured bond must be based on the financial resources of the defendant and must be set as necessary to ensure reasonably the appearance of the defendant and the safety of the community; and (3) the magistrate must make findings as to the reasoning underlying the specific amount set and the relationship of that amount to ensuring reasonably the appearance of the defendant and the safety of the community. Section 8 also prohibits detaining a defendant who is eligible for pretrial release

solely because the defendant is financially incapable of paying the amount of any monetary bail or secured bond.

Existing law provides that: (1) a district court or justice court may, at any time after setting bail and before acquittal or conviction, increase the amount of the defendant's bail for good cause shown; and (2) if the defendant has been released from custody, the defendant must pay the increased bail or return to custody. (NRS 178.499) Section 9 of this bill instead allows a magistrate to consider a modification of bail upon notice and a showing of good cause, including, without limitation, the addition, modification, suspension or cancellation of any condition or combination of conditions of bail.

Sections 2, 3 and 10-14 of this bill make conforming changes.

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

Section 1. ~~NRS 178.4853 is hereby amended to read as follows:~~

~~178.4853~~ ~~In deciding whether there is good cause to release a person without bail, the court *may use an evidence based risk assessment tool, if available, but* at a minimum shall consider the following factors concerning the person:~~

- ~~1. The length of residence in the community;~~
 - ~~2. The status and history of employment;~~
 - ~~3. Relationships with the person's spouse and children, parents or other family members and with close friends;~~
 - ~~4. Reputation, character and mental condition;~~
 - ~~5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;~~
 - ~~6. The identity of responsible members of the community who would vouch for the reliability of the person;~~
 - ~~7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;~~
 - ~~8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;~~
 - ~~9. The likelihood of more criminal activity by the person after release;~~
- ~~and~~
- ~~10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear [.] ; and~~
 - ~~11. Whether one or more conditions can be imposed on the person to mitigate the risk of failure to appear or the risk to public safety, including, without limitation:~~
 - ~~(a) Restrictions on residence or travel;~~
 - ~~(b) Restrictions on associations, including, without limitation, requiring the person to avoid contact with alleged victims or potential witnesses;~~
 - ~~(c) Requiring the person to maintain or actively seek employment;~~

~~—(d) Requiring the person to regularly report to a designated law enforcement agency or the court;~~
~~—(e) Imposing a curfew;~~
~~—(f) Prohibiting the possession of a firearm;~~
~~—(g) Prohibiting the use of alcohol and controlled substances;~~
~~—(h) Requiring the person to receive medical, psychiatric or psychological treatment, including, without limitation, treatment for alcohol or drug abuse or a mental illness;~~
~~—(i) Intensive supervision of the person; or~~
~~—(j) Any other condition reasonably necessary to ensure the appearance of the person or the safety of any person in the community.~~ **(Deleted by amendment.)**

Sec. 2. NRS 171.178 is hereby amended to read as follows:

171.178 1. Except as otherwise provided in subsections 5 and 6, a peace officer making an arrest under a warrant issued upon a complaint or without a warrant shall take the arrested person without unnecessary delay before the magistrate who issued the warrant or the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

2. A private person making an arrest without a warrant shall deliver the arrested person without unnecessary delay to a peace officer. Except as otherwise provided in subsections 5 and 6 and NRS 171.1772, the peace officer shall take the arrested person without unnecessary delay before the nearest available magistrate empowered to commit persons charged with offenses against the laws of the State of Nevada.

3. If an arrested person is not brought before a magistrate within 72 hours after arrest, excluding nonjudicial days, the magistrate:

(a) Shall give the prosecuting attorney an opportunity to explain the circumstances leading to the delay; and

(b) May release the arrested person if the magistrate determines that the person was not brought before a magistrate without unnecessary delay.

4. When a person arrested without a warrant is brought before a magistrate, a complaint must be filed forthwith.

5. Except as otherwise provided in NRS 178.484 and 178.487, ~~where~~ **if** the defendant can be admitted to bail without appearing personally before a magistrate ~~+~~ **pursuant to an administrative order adopted by the court pursuant to NRS 178.484,** the defendant must be so admitted with the least possible delay, and required to appear before a magistrate at the earliest convenient time thereafter.

6. A peace officer may immediately release from custody without any further proceedings any person the peace officer arrests without a warrant if the peace officer is satisfied that there are insufficient grounds for issuing a criminal complaint against the person arrested. Any record of the arrest of a person released pursuant to this subsection must also include a record of the

release. A person so released shall be deemed not to have been arrested but only detained.

Sec. 3. NRS 171.1845 is hereby amended to read as follows:

171.1845 1. If a person is brought before a magistrate under the provisions of NRS 171.178 or 171.184, and it is discovered that there is a warrant for the person's arrest outstanding in another county of this State, the magistrate may release the person in accordance with the provisions of NRS 178.484 ~~for 178.4851~~ if:

(a) The warrant arises out of a public offense which constitutes a misdemeanor; and

(b) The person provides a suitable address where the magistrate who issued the warrant in the other county can notify the person of a time and place to appear.

2. If a person is released under the provisions of this section, the magistrate who releases the person shall transmit the cash, bond, notes or agreement submitted under the provisions of NRS 178.484 or 178.502 ~~, for 178.4851,~~ together with the person's address, to the magistrate who issued the warrant. Upon receipt of the cash, bonds, notes or agreement and address, the magistrate who issued the warrant shall notify the person of a time and place to appear.

3. Any bail set under the provisions of this section must be in addition to and apart from any bail set for any public offense with which a person is charged in the county in which a magistrate is setting bail. In setting bail under the provisions of this section, a magistrate shall set the bail in an amount which is sufficient to induce a reasonable person to travel to the county in which the warrant for the arrest is outstanding.

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

Sec. 4. NRS 173.175 is hereby amended to read as follows:

173.175 ~~[When the indictment or information is for a felony and the defendant before the filing thereof has given bail for the defendant's appearance to answer the charge, the court in which the indictment or information is presented, or in which it is pending, may order the defendant to be committed to actual custody unless the defendant gives bail in an increased amount, to be specified in the order.]~~

1. Except as otherwise provided in subsection 2, if a court has made a determination of bail based on a criminal complaint, the State has elected to present the same case before a grand jury and an indictment has been returned, the State may not seek a modification of the original determination of bail unless:

(a) Before filing a motion to modify the bail in the district court in which the indictment is presented or pending, the State files notice of the intent to file a motion to modify the bail;

(b) The State files a motion to modify the bail in the district court in which the indictment is presented or pending; and

(c) The motion to modify the bail is based upon new or different reasons that were unknown at the time that the original determination of bail was made.

2. The court may modify the amount of bail if the indictment includes new or additional charges.

Sec. 5. NRS 178.484 is hereby amended to read as follows:

~~178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.~~

~~2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail;~~

~~(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or~~

~~(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.~~

~~3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:~~

~~(a) A court issues an order directing that the person be admitted to bail; or~~

~~(b) A department of alternative sentencing directs the detention facility to admit the person to bail.~~

~~4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.~~

~~5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.~~

~~6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail~~

~~must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.~~

~~7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;~~

~~(b) Five thousand dollars, if the person has:~~

~~(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(c) Fifteen thousand dollars, if the person has:~~

~~(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or~~

~~(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.~~

~~The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after arrest if:~~

~~—(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~—(b) The person has previously violated a temporary or extended order for protection of the type for which the person has been arrested; or~~

~~—(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~—(1) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~—(2) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110;~~

~~—9. If a person is admitted to bail more than 12 hours after arrest, pursuant to subsection 8, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:~~

~~—(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~—(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

~~—(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.~~

~~— The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before~~

~~the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~— 10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.~~

~~— 11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

~~— (a) Requiring the person to remain in this State or a certain county within this State;~~

~~— (b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf;~~

~~— (c) Prohibiting the person from entering a certain geographic area; or~~

~~— (d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~↳ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

~~— 12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:~~

~~— (a) Deem such conduct a contempt pursuant to NRS 22.010; or~~

~~— (b) Increase the amount of bail pursuant to NRS 178.499.~~

~~— 13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if the officer has probable cause to believe that the person has violated a condition of bail.~~

~~— 14. Before a person may be admitted to bail, the person must sign a document stating that:~~

~~— (a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;~~

~~— (b) The person will comply with the other conditions which have been imposed by the court and are stated in the document; and~~

~~— (c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.~~

~~— The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.~~

~~— 15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.~~

~~— 16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.~~

~~— 17. Unless a defendant is automatically released pursuant to an administrative order adopted by the court pursuant to this section, a magistrate shall review the custody status of a defendant pursuant to the procedures set forth in this section as soon as practicable after a defendant is taken into custody, but not later than 48 hours, including nonjudicial days, after the defendant is taken into custody.~~

~~2. During any hearing in which a magistrate reviews the custody status of a defendant, regardless of when the hearing is held, whether the hearing is held in chambers or open court or whether the defendant is present at or absent from the hearing:~~

~~(a) There is a rebuttable presumption that the defendant should be released on his or her own recognizance.~~

~~(b) Monetary bail should be imposed as a condition of release only when the magistrate determines that no other conditions of release will reasonably ensure that the defendant will appear in court as required.~~

~~3. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be released pending trial with the least restrictive conditions that the court deems necessary to:~~

~~(a) Protect the health, safety and welfare of the defendant and the community;~~

~~(b) Reasonably protect an alleged victim and the family of an alleged victim from the defendant; and~~

~~(c) Reasonably ensure that the person will appear at all times and places ordered by the court.~~

~~4. Each court in this State shall, after consulting with interested groups, organizations and persons in the jurisdiction, adopt an administrative order~~

that provides for the release, under certain circumstances, of defendants who are arrested without a warrant, before a review of the custody status of a defendant is conducted and without the imposition of any conditions of release other than the promise of good behavior and the promise to appear in court as required. Such an administrative order must:

(a) Consider the provisions of paragraphs (a) and (b) of subsection 2.

(b) Provide for the release of a defendant who is charged with a misdemeanor that does not involve the use or threatened use of force or violence against an alleged victim.

(c) Provide for the release of a defendant without any conditions if the defendant is not charged with any crime greater than a gross misdemeanor and is not charged with a crime listed in paragraph (d).

(d) Not provide for the release without conditions of any defendant who is charged with a felony or gross misdemeanor that:

(1) Involves the use or threatened use of force or violence against an alleged victim; or

(2) Is a sexual offense as defined in NRS 179D.097.

5. If a defendant has been arrested without a warrant, no conditions of release other than the promise of good behavior and the promise to appear in court as required may be imposed, through an administrative order adopted pursuant to subsection 4 or through the use of any standard bail schedule, unless and until the magistrate conducts a review of the custody status of the defendant pursuant to this section.

6. Each court shall, after consulting with interested groups, organizations and persons in the jurisdiction, adopt and make available to the public an order containing written policies and procedures concerning reviews of the custody status of a defendant that must be conducted pursuant to this section. Such policies and procedures may provide that the initial review of the custody status of a defendant pursuant to subsection 1 may take place in chambers, during a public proceeding in open court or any combination thereof and may be conducted at the same time as the initial appearance of a defendant pursuant to NRS 171.178 or at the time of arraignment, but regardless of whether a criminal complaint is filed, must require that if the defendant remains in custody, an individualized review of the custody status of the defendant, with the defendant present, must be conducted within 72 hours after arrest, excluding nonjudicial days, pursuant to NRS 171.178. The order must specify the times at which the court will conduct such reviews of the custody status of defendants. If the court decides to change the policies and procedures adopted pursuant to this subsection, the court shall provide notice of the changes to the public at least 30 days before the changes take effect.

7. At any hearing to review the custody status of a defendant, the magistrate shall consider the release of a defendant in the following order of priority:

(a) Own recognizance release with no additional conditions other than the promise of good behavior and the promise to appear in court as required.

(b) Own recognizance release with nonfinancial conditions.

(c) Release with secured financial conditions, in accordance with the provisions of NRS 178.498.

↳ The magistrate may use a different order of priority for release only if requested by the defendant.

8. At any hearing to review the custody status of a defendant, the magistrate:

(a) Shall include in every release order that the release of the defendant is conditioned upon his or her promise of good behavior and promise to appear at all times and places ordered by the court.

(b) Shall consider the provisions of paragraphs (a) and (b) of subsection 2.

(c) May consider any or all of the following factors relating to the defendant, to the extent that information about the factor is available and reasonably reliable:

(1) Length of residence in the community.

(2) Status and history of employment.

(3) Relationships with any spouse, children, parents, family members or close friends.

(4) The identity of responsible members of the community who would attest to the reliability of the defendant.

(5) The nature of the offense with which the defendant is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of the defendant not appearing.

(6) The nature and seriousness of the danger to an alleged victim, the family of an alleged victim, any other person or the community that would be posed by the release of the defendant.

(7) The likelihood of more criminal activity by the defendant after release.

(8) Any other factors concerning the defendant's ties to the community or bearing on the risk that the defendant may willfully fail to appear.

(d) Shall use its discretion to consider the possible types of release described in subsection 7. In considering whether nonfinancial conditions should be imposed, the magistrate shall consider the relation of such conditions to the charges against the defendant, the likelihood that the defendant will willfully fail to appear and the safety of an alleged victim and the community. If the magistrate determines that a nonfinancial condition is necessary, the magistrate shall impose the least restrictive condition necessary.

(e) Shall make findings as to the reasoning underlying the decision whether to release the defendant and the conditions of release to be imposed.

9. If a magistrate imposes upon a defendant nonmonetary conditions of release, the defendant is unable to satisfy all such nonmonetary conditions

and the defendant remains in custody 3 days after the issuance of the release order, the defendant, on his or her own motion, or on the court's own motion to review the conditions of release, is entitled to a hearing on that motion to be held not later than 3 judicial days after the date of the filing of the motion.

10. A defendant arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing the defendant to be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the defendant to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the defendant to bail.

11. A defendant arrested for murder of the first degree may be admitted to bail unless the proof of guilt is evident or the presumption of guilt is great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

12. A defendant arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on his or her own recognizance unless the defendant has a concentration of alcohol of less than 0.04 in his or her breath. A test of the defendant's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the defendant.

13. A defendant arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the defendant incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on his or her own recognizance sooner than 12 hours after arrest.

14. A defendant arrested for a felony, for a misdemeanor crime that constitutes domestic violence under NRS 33.018, for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 or whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a

different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be released unless:

(a) A court issues an order directing that the defendant be released, no sooner than 12 hours after arrest; or

(b) A department of alternative sentencing directs the detention facility to admit the defendant to bail.

15. If a defendant fails to comply with a condition imposed by the court pursuant to this section, the court may, after providing the defendant with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

(b) Modify any condition of release;

(c) Require any additional condition of release; or

(d) After conducting a review of the custody status of the defendant, set or increase the amount of any monetary bail, provided that the amount is reasonable.

16. A release order issued pursuant to this section must be signed and filed with the clerk of the court as soon as practicable. The release order must include a provision ordering any law enforcement officer to arrest the defendant if the officer has probable cause to believe that the defendant has violated a condition of his or her release.

17. Before a defendant may be released, the defendant must sign a document stating that:

(a) The defendant will appear at all times and places as ordered by the court releasing the defendant and as ordered by any other court before which the charge is subsequently heard;

(b) The defendant will comply with the other conditions, if any, which have been imposed by the court and are stated in the document;

(c) If the defendant fails to appear when so ordered and is taken into custody outside of this State, the defendant waives all rights relating to extradition proceedings; and

(d) The defendant understands that any court of competent jurisdiction may revoke the order of release without bail and may order the defendant into custody or require the defendant to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or the defendant's appearance.

18. Each court shall compile a report on decisions made during reviews of the custody status of defendants pursuant to this section. The report must include, with respect to each defendant, data on the race, age and gender of the defendant, the charge or charges against the defendant, the number of days the defendant was in custody before the decision was made, the amount of any monetary bail set, the conditions of release imposed, the level of supervision, if any, relating to the defendant and the magistrate who made the decision. Each court shall, on or before April 1 of each year, submit a report of the data compiled pursuant to this subsection to the Director of the

Legislative Counsel Bureau for distribution to the Legislature or, if the Legislature is not in session, to the Legislative Commission.

19. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

20. As used in this section, ~~“strangulation” has the meaning ascribed to it in NRS 200.481.~~ “own recognizance release” means release upon giving an oral promise to appear with no monetary conditions attached.

Sec. 6. NRS 178.4855 is hereby amended to read as follows:

178.4855 A defendant charged with the commission of a category A or B felony who is admitted to bail on a surety bond and who:

1. While admitted to bail, is taken into custody in the same jurisdiction in which the defendant was admitted to bail and is charged with the commission of another category A or B felony; and

2. Is ordered to be released from custody without bail, ~~must not be released from custody pursuant to NRS 178.4851 until the law enforcement agency that conducted the initial booking procedure for the defendant for the subsequent felony has notified the bail agent that issued the surety bond of the release of the defendant.~~ have his or her custody status as described in NRS 178.484 reviewed, which may result in the addition or modification of conditions of release.

Sec. 7. NRS 178.487 is hereby amended to read as follows:

178.487 1. Every release on bail with or without security is conditioned upon the defendant’s good behavior while so released, and upon a showing that the proof is evident or the presumption great that the defendant has committed a ~~felony~~ crime listed in subsection 2 during the period of release, the defendant’s bail may be revoked, after ~~a hearing,~~ a review of the custody status of the defendant that follows the requirements set forth in NRS 178.484, by the magistrate who allowed it or by any judge of the court in which the original charge is pending. Pending such revocation, the defendant may be held without bail by order of the magistrate before whom the defendant is brought after an arrest upon the second charge. The magistrate shall conduct a review of the custody status of the defendant as soon as practicable and within 48 hours, excluding nonjudicial days to the extent possible, but in any case the defendant must not be released until his or her custody status has been so reviewed.

2. The provisions of this section apply to the following crimes:

(a) A misdemeanor that constitutes domestic violence pursuant to NRS 33.018.

(b) A violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive.

(c) A violation of a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS. For

the purposes of this paragraph, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

(d) A violation of a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591.

(e) A violation of a temporary or extended order for protection against sexual assault pursuant to NRS 200.378.

~~{Sec. 2.}~~ Sec. 8. NRS 178.498 is hereby amended to read as follows:

178.498 1. If the ~~{defendant is admitted to}~~ **magistrate, in determining** bail, ~~{the}~~ **finds pursuant to NRS 178.484 that no nonmonetary conditions reasonably ensure the appearance of the defendant and the safety of the community, the magistrate may direct the defendant to post a monetary bail or secured bond. The monetary bail or secured bond** must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety ~~{of other persons and}~~ of the community, having regard to:

~~{1.}~~ (a) The nature and circumstances of the offense charged;

~~{2.}~~ (b) ~~{The financial ability of the defendant to give bail;}~~

~~{3. (c)}~~ (c) The character of the defendant; and

~~{4. (d)}~~ (c) The factors listed in subsection 8 of NRS ~~{178.485}~~ 178.484.

2. ~~{After the defendant has personally appeared before the magistrate, the magistrate may not rely solely on any standardized bail schedule to set the amount of bail.}~~ **The amount of any monetary bail or secured bond set pursuant to subsection 1 must be based upon the financial resources of the defendant and set as necessary to ensure reasonably the appearance of the defendant and the safety of the community. The magistrate shall make findings as to the reasoning underlying the specific amount set and the relationship of that amount to ensuring reasonably the appearance of the person and the safety of the community.**

3. A defendant who is eligible for pretrial release must not be detained solely because the defendant is financially incapable of paying the amount of any monetary bail or secured bond.

Sec. 9. NRS 178.499 is hereby amended to read as follows:

178.499 ~~{1. At any time after a district or Justice Court has ordered bail to be set at a specific amount, and before acquittal or conviction, the court may upon its own motion or upon motion of the district attorney and after notice to the defendant's attorney of record or, if none, to the defendant, increase the amount of bail for good cause shown.}~~

~~{2. If the defendant has been released on bail before the time when the motion to increase bail is granted, the defendant shall either return to custody or give the additional amount of bail.}~~ Upon notice and a showing of good cause, a magistrate may consider a modification of bail, including, without limitation, the addition, modification, suspension or cancellation of any

condition or combination of conditions of bail imposed upon a person charged with a public offense.

Sec. 10. NRS 178.502 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

4. If the action or proceeding against a defendant who has been ~~admitted~~ **required to pay monetary** bail is dismissed, the **monetary** bail must not be exonerated until a period of 30 days has elapsed from the entry of the order of dismissal unless the defendant requests that **the monetary** bail be exonerated before the expiration of the 30-day period. If no formal action or proceeding is instituted against a defendant who has been ~~admitted~~ **required to pay monetary** bail, the **monetary** bail must not be exonerated until a period of 30 days has elapsed from the day the bond or undertaking is posted unless the defendant requests that **the monetary** bail be exonerated before the expiration of the 30-day period.

5. If, within the periods provided in subsection 4, the defendant is charged with a public offense arising out of the same act or omission supporting the charge upon which **monetary** bail was first ~~given~~ **required to be paid**, the prosecuting attorney shall forthwith notify the clerk of the court where the bond was posted, the **monetary** bail must be applied to the public offense later charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the **monetary** bail is transferred shall mail or electronically transmit

notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. ~~[Bail given]~~ **Monetary bail required to be paid** originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.

Sec. 11. NRS 178.506 is hereby amended to read as follows:

178.506 If there is a breach of condition of a bond, the court shall declare a forfeiture of the **monetary** bail, subject to the provisions of NRS 178.508 and 178.509.

Sec. 12. NRS 178.532 is hereby amended to read as follows:

178.532 The court to which the committing magistrate shall return the depositions and statement, or in which an indictment or information or an appeal is pending, or to which a judgment on appeal is remitted to be carried into effect, may, by an order to be entered on its minutes, direct the arrest of the defendant and commitment to the officer to whose custody the defendant was committed at the time of giving bail, and the defendant's detention until legally discharged, in the following cases:

1. When, by reason of the defendant's failure to appear, the defendant has incurred a forfeiture of **monetary** bail, or of money deposited instead thereof, as provided in NRS 178.506.

2. When it satisfactorily appears to the court that the defendant's bail, or either of them, are dead, or insufficient, or have removed from the State.

3. Upon an indictment being found or information filed ~~in the cases provided in NRS 173.175.1~~ **for a felony and the defendant paid monetary bail before the indictment was found or the information was filed.**

Sec. 13. NRS 178.538 is hereby amended to read as follows:

178.538 1. If the order recites, as the grounds upon which it is made, the failure of the defendant to appear for judgment upon conviction, the defendant must be committed according to the requirement of the order.

2. If the order be made for any other cause, and the offense is bailable, the court may fix the amount of **monetary** bail ~~to~~ and may cause a direction to be inserted in the order that the defendant be admitted to bail in the sum fixed, which ~~shall~~ **must** be specified in the order.

Sec. 14. NRS 178.5698 is hereby amended to read as follows:

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

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

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

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

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

(a) In writing; or

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

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

(a) To each witness, documentation that includes:

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

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

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

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

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

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

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

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

(a) A person against whom the offense is committed.

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

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

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

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

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

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

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

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

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

↪ before the offender is released from prison.

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

8. As used in this section:

(a) “Immediate family” means any adult relative of the victim living in the victim’s household.

(b) “Sexual offense” means:

- (1) Sexual assault pursuant to NRS 200.366;
- (2) Statutory sexual seduction pursuant to NRS 200.368;
- (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (5) Incest pursuant to NRS 201.180;
- (6) Open or gross lewdness pursuant to NRS 201.210;
- (7) Indecent or obscene exposure pursuant to NRS 201.220;
- (8) Lewdness with a child pursuant to NRS 201.230;
- (9) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;
- (11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;
- (12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;
- (13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or
- (14) An attempt to commit an offense listed in this paragraph.

Sec. 15. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 16. 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. 17. NRS 178.4851 and 178.4853 are hereby repealed.

TEXT OF REPEALED SECTIONS

178.4851 Release without bail; imposition of conditions; arrest for violation of condition.

1. Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare of the community and ensure that the person will appear at all times and places ordered by the court.

2. In releasing a person without bail, the court may impose such conditions as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation, any condition set forth in subsection 11 of NRS 178.484.

3. Upon a showing of good cause, a sheriff or chief of police may release without bail any person charged with a misdemeanor pursuant to standards established by a court of competent jurisdiction.

4. Before a person may be released without bail, the person must file with the clerk of the court of competent jurisdiction a signed document stating that:

(a) The person will appear at all times and places as ordered by the court releasing the person and as ordered by any court before which the charge is subsequently heard;

(b) The person will comply with the other conditions which have been imposed by the court and are stated in the document;

(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings; and

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the health, safety and welfare of the community or the person's appearance.

5. If a jurisdiction incurs any costs in returning a person to the jurisdiction to stand trial, the person failing to appear is responsible for paying those costs as restitution.

6. An order issued pursuant to this section that imposes a condition on a person who is released without bail must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

178.4853 Factors considered before release without bail. In deciding whether there is good cause to release a person without bail, the court at a minimum shall consider the following factors concerning the person:

1. The length of residence in the community;

2. The status and history of employment;

3. Relationships with the person's spouse and children, parents or other family members and with close friends;

4. Reputation, character and mental condition;

5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

6. The identity of responsible members of the community who would vouch for the reliability of the person;

7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;

9. The likelihood of more criminal activity by the person after release;
and

10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

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. 444.

Bill read second time.

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

Amendment No. 834.

AN ACT relating to legislative affairs; creating the Legislative Committee on Tax Expenditures and Incentives for Economic Development; setting forth the composition and administration of the Committee; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development and prescribes the appointment of its membership. **Section 6** of this bill sets forth requirements for meetings of the Committee and ~~the compensation of its members.~~ **provides that members serve without per diem allowances, travel expenses or any other compensation.**

Existing law requires the Board of Economic Development to review and evaluate all programs of economic development in Nevada and to make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development. (NRS 231.037) **Section 7** of this bill requires the Legislative Committee on Tax Expenditures and Incentives for Economic Development to **:(1) identify and evaluate all incentives for economic development in this State ; (2) determine whether the businesses receiving abatements are complying with the statutes specifying requirements for wages and health care;** and **(3)** provide the Legislature with a report concerning its activities. **Section 8** of this bill authorizes the Committee to evaluate, review and comment on tax expenditures and to make recommendations for the addition,

modification or elimination of a tax expenditure or incentive for economic development.

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

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Committee” means the Legislative Committee on Tax Expenditures and Incentives for Economic Development.*

Sec. 4. *“Tax expenditure” has the meaning ascribed to it in NRS 360.137.*

Sec. 5. 1. *The Legislative Committee on Tax Expenditures and Incentives for Economic Development, consisting of six legislative members, is hereby created. The membership of the Committee consists of:*

(a) Two members of the Senate appointed by the Majority Leader of the Senate;

(b) One member of the Senate appointed by the Minority Leader of the Senate;

(c) Two members of the Assembly appointed by the Speaker of the Assembly; and

(d) One member of the Assembly appointed by the Minority Leader of the Assembly.

↳ In making appointments pursuant to this subsection, first preference must be given to members of the standing committees of the Legislature with primary jurisdiction over matters relating to taxation and second preference to members of the standing committees of the Legislature with primary jurisdiction over matters relating to budgets and finances.

2. *The Majority Leader of the Senate and the Speaker of the Assembly shall jointly select the Chair and Vice Chair of the Committee from among the members of the Committee, with first preference given to members who are members of the standing committees of the Legislature with primary jurisdiction over matters relating to taxation, if any, and second preference to members who are members of the standing committees of the Legislature with primary jurisdiction over matters relating to budgets and finances, if any. After the initial selection, each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.*

3. *The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.*

4. *Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.*

5. *A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.*

Sec. 6. 1. *Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.*

2. *The Director or his or her designee shall act as the nonvoting recording Secretary of the Committee.*

3. *Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred upon the Committee.*

4. ~~*Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:*~~

~~*(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;*~~

~~*(b) Per diem allowance provided for state officers and employees generally; and*~~

~~*(c) Travel expenses provided pursuant to NRS 218A.655.*~~

~~*5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.]*~~ *Members of the Committee serve without per diem allowances, travel expenses or any other compensation.*

Sec. 7. *The Committee shall:*

1. *Meet at least once each biennium to review the most recent tax expenditure report submitted by the Executive Director of the Department of Taxation pursuant to NRS 360.137.*

2. *Review any other reports submitted to the Legislature relating to tax expenditures and incentives for economic development.*

3. *Identify all incentives for economic development provided for by law in this State, including, without limitation, tax incentives, grants, loans and initiatives for workforce development.*

4. *Evaluate and review each incentive for economic development identified pursuant to subsection 3 at least once every 6 years. The Committee shall examine, review and comment on, without limitation:*

(a) *The purpose, intent or goal of the incentive for economic development.*

(b) *Whether the incentive for economic development is accomplishing its purpose, intent or goal.*

(c) *Whether there is a more effective method to achieve the goal of the incentive for economic development.*

(d) *The cost of the incentive for economic development to the State, including, without limitation, administrative costs and lost revenue.*

(e) *The impact of the incentive for economic development on the revenues of and services provided by local governments.*

(f) *The economic and fiscal impact of the incentive for economic development, including, without limitation:*

(1) *The extent to which the incentive changes business behavior;*

(2) *The results of the incentive for the state and local economies, including, without limitation, both positive direct and indirect impacts and any negative impacts on businesses in this State; and*

(3) *A comparison to the results of other incentives or programs for economic development with similar goals.*

(g) *Any other matters that, in the determination of the Committee, concern incentives for economic development in this State.*

5. *Evaluate all available information to determine whether the businesses receiving abatements are complying with the wage and health-care requirements provided by law.*

6. *On or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the activities of the Committee during the applicable legislative interim. The Committee shall present its findings to the standing committees of the Legislature with primary jurisdiction over matters relating to taxation during the next regular session of the Legislature.*

Sec. 8. *The Committee may:*

1. *Evaluate, review and comment upon any tax expenditure within the State, including, without limitation:*

(a) *The purpose, intent or goal of the tax expenditure.*

(b) *The intended beneficiaries of the tax expenditure.*

(c) *Whether the tax expenditure is accomplishing its purpose, intent or goal.*

(d) *The manner in which the tax expenditure compares to similar tax expenditures in other states.*

(e) *Whether there are other tax expenditures in this State that have the same or a similar purpose, intent or goal as the tax expenditure being reviewed and the manner in which the two tax expenditures are coordinated, including, without limitation, whether the coordination between the two tax expenditures could be improved or if there are any redundancies that could be eliminated.*

(f) *Whether the evaluation of the tax expenditure is hindered by the unavailability of certain data.*

(g) *The cost and benefit of the tax expenditure, including, without limitation, administrative costs and lost revenue of the State and local governments, and an evaluation of the extent to which the tax expenditure*

is a cost-effective use of resources compared to other methods of accomplishing the same purpose or goal.

(h) Opportunities to improve the effectiveness of the tax expenditure.

2. Contract with private consultants or academic institutions to complete the reviews provided for by this section and section 7 of this act.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Request that a representative of the Office of Economic Development within the Office of the Governor or a representative of the Office of Energy within the Office of the Governor appear before the Committee and provide information on programs for economic development, including, without limitation:

(a) The number of entities applying or approved for a particular program for economic development;

(b) The number of entities approved for a particular incentive for economic development;

(c) The number of entities who have used a particular incentive for economic development; and

(d) The projected and actual benefits of the programs for economic development in this State.

5. Request books, papers, records and other information from state or local governmental agencies, including, without limitation, the Nevada System of Higher Education.

6. Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties.

~~7. Conduct investigations and hold hearings in connection with its duties pursuant to this section and section 7 of this act, and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.~~

~~8.~~ Make recommendations to the Legislature concerning the addition, elimination or modification of tax expenditures and incentives for economic development.

Sec. 9. NRS 218A.655 is hereby amended to read as follows:

218A.655 1. Except as otherwise provided in NRS 218A.645 ~~and~~ **and section 6 of this act**, each Legislator is entitled to receive an allowance for travel in the transaction of legislative business authorized by specific statute or the Legislative Commission, whether within or outside of the municipality or other area in which the Legislator's principal office is located. Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles. The allowance is:

(a) If the travel is by private conveyance, the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.

(b) If the travel is not by private conveyance, the actual amount expended.

2. Claims for expenses made pursuant to this section must be paid from the Legislative Fund unless otherwise provided by specific statute. A claim for travel expenses must not be paid unless the Legislator submits a signed statement affirming:

(a) The date of travel; and

(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

~~[Sec. 9.]~~ **Sec. 10.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

~~[Sec. 10.]~~ **Sec. 11.** This act becomes effective upon passage and approval.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 494.

Bill read second time and ordered to third reading.

Assembly Bill No. 503.

Bill read second time.

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

Amendment No. 880.

SUMMARY—~~[Makes appropriations]~~ **Makes an appropriation** to the Fleet Services Division of the Department of Administration for the purchase of new vehicles. (BDR S-1174)

AN ACT ~~[making appropriations]~~ **making an appropriation** to the Fleet Services Division of the Department of Administration for the purchase of new vehicles; and providing other matters properly relating thereto.

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

Section 1. ~~[1.]~~ There is hereby appropriated from the State General Fund to the Fleet Services Division of the Department of Administration the sum of ~~[\$5,059,053]~~ **\$5,567,759** for the purchase of new vehicles.

~~[2.— There is hereby appropriated from the State Highway Fund to the Fleet Services Division of the Department of Administration the sum of \$715,350 for the purchase of new vehicles.]~~

Sec. 2. Any remaining balance of the ~~[appropriations]~~ **appropriation** made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation was made or any entity to

which money from the appropriation was granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the ~~fund from which it was appropriated~~ **State General Fund** on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 504.

Bill read second time.

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

Amendment No. 885.

SUMMARY—Makes appropriations to the State Department of Agriculture for water conservation projects, **the purchase of replacement vehicles** and the purchase and replacement of laboratory equipment. (BDR S-1177)

AN ACT making appropriations to the State Department of Agriculture for water conservation projects, **the purchase of replacement vehicles** and the purchase and replacement of laboratory equipment; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the State Department of Agriculture, ~~for~~ Plant Health and Quarantine Services, the sum of ~~(\$400,000)~~ **\$125,000** for water conservation projects to facilitate the modernization of techniques for irrigation and water storage for the agricultural and ranching industries.

2. **There is hereby appropriated from the State General Fund to the State Department of Agriculture, Livestock Enforcement, the sum of \$100,000 for the purchase of two replacement vehicles that are equipped to carry out law enforcement functions.**

3. There is hereby appropriated from the State General Fund to the State Department of Agriculture, Veterinary Medical Services, the sum of \$159,605 for new laboratory equipment.

~~3~~ **4.** There is hereby appropriated from the State General Fund to the State Department of Agriculture, Veterinary Medical Services, the sum of \$14,479 for the replacement of laboratory equipment.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the

entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time.

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

Amendment No. 879.

SUMMARY—Makes appropriations to the Division of State Parks for self-pay kiosks, replacement of vehicles, a paving project and ~~maintenance~~ **construction** at Ice Age Fossils State Park and maintenance of equipment for Sand Harbor at Lake Tahoe Nevada State Park. (BDR S-1180)

AN ACT making appropriations to the Division of State Parks for self-pay kiosks, replacement of vehicles, a paving project and ~~maintenance~~ **construction** at Ice Age Fossils State Park and maintenance equipment for Sand Harbor at Lake Tahoe Nevada State Park; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$160,000 for a paving project at the visitor's center at Ice Age Fossils State Park.

Sec. 2. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$2,080,000 for ~~maintenance~~ **construction** at Ice Age Fossils State Park.

Sec. 3. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$213,009 for self-pay kiosks.

Sec. 4. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$1,291,348 for the replacement of vehicles.

Sec. 5. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources the sum of \$49,500 for maintenance equipment for Sand Harbor at Lake Tahoe Nevada State Park.

Sec. 6. Any remaining balance of the appropriations made by sections 1 to 5, inclusive, of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 7. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read second time.

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

Amendment No. 867.

AN ACT making appropriations to the Investigation Division of the Department of Public Safety for the replacement of vehicles and computer software and hardware; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety the sum of ~~(\$540,388)~~ **\$543,236** for the replacement of vehicles.

Sec. 2. There is hereby appropriated from the State Highway Fund to the Investigation Division of the Department of Public Safety the sum of ~~(\$92,538)~~ **\$90,690** for the replacement of vehicles.

Sec. 3. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety the sum of ~~(\$58,848)~~ **\$48,747** for the replacement of computer hardware and software.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Investigation Division of the Department of Public Safety the sum of ~~(\$2,008)~~ **\$4,189** for the replacement of computer hardware and software.

Sec. 5. 1. Any remaining balance of the appropriations made by sections 1 and 3 of this act must not be committed for expenditure after June

30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

2. Any remaining balance of the appropriations made by sections 2 and 4 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 17, 2021.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 512.

Bill read second time.

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

Amendment No. 868.

AN ACT making appropriations to the Office of Finance as loans for the implementation and replacement of computer applications; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of ~~192,688,800~~ **\$2,138,800** as a loan **to the Division of Enterprise Information Technology Services of the Department of Administration** for the implementation of an enterprise cloud electronic mail and business productivity application.

2. Commencing on July 1, 2021, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of implementation of the enterprise cloud electronic mail and business productivity application to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25

percent of the cost of the implementation of the enterprise cloud electronic mail and business productivity application and the loan must be fully repaid not later than the end of Fiscal Year 2024-2025.

Sec. 2. **1.** There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of \$4,186,202 as a loan **to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of firewalls.

2. Commencing on July 1, 2021, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of firewalls to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of firewalls and the loan must be fully repaid not later than the end of Fiscal Year 2024-2025.

Sec. 3. **1.** There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of \$1,784,500 as a loan **to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of the content management and portal platform.

2. Commencing on July 1, 2021, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of the content management and portal platform to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of the content management and portal platform and the loan must be fully repaid not later than the end of Fiscal Year 2024-2025.

Sec. 4. Any remaining balance of the appropriations made by sections 1, 2 and 3 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 513.

Bill read second time.

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

Amendment No. 886.

SUMMARY—Makes appropriations to the Department of Public Safety for the replacement of computer hardware and software, ~~and building maintenance.~~ (BDR S-1219)

AN ACT making appropriations to the Department of Public Safety for the replacement of computer hardware and software; ~~and building maintenance;~~ and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Training Division of the Department of Public Safety the sum of \$27,387 for the replacement of computer hardware and software.

Sec. 2. There is hereby appropriated from the State Highway Fund to the Training Division of the Department of Public Safety the sum of \$47,056 for the replacement of computer hardware and software.

Sec. 3. ~~There is hereby appropriated from the State General Fund to the Training Division of the Department of Public Safety the sum of \$24,606 for maintenance at the Carson City Training Building. (Deleted by amendment.)~~

Sec. 4. ~~There is hereby appropriated from the State Highway Fund to the Training Division of the Department of Public Safety the sum of \$28,885 for maintenance at the Carson City Training Building. (Deleted by amendment.)~~

Sec. 5. 1. Any remaining balance of the ~~appropriations~~ **appropriation** made by ~~sections~~ **section 1 and 3** of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

2. Any remaining balance of the ~~appropriations~~ **appropriation** made by ~~sections~~ **section 2 and 4** of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 17, 2021.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read second time.

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

Amendment No. 869.

AN ACT making appropriations to the Legislative Fund for building maintenance, computer hardware, dues of national organizations and reimbursement of the interim costs of the Nevada Right to Counsel Commission; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of \$230,000 for reimbursement of the costs of the consultant retained by the Nevada Right to Counsel Commission and the interim travel expenses of the members of the Commission.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of ~~1,843,663~~ **1,827,353** for computer hardware, building maintenance and the payment of dues to national organizations.

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

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 522.

Bill read second time.

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

Amendment No. 870.

AN ACT making appropriations to the Budget Division for an upgrade to the Nevada Executive Budget System and the replacement of office furniture; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Budget Division of the Office of Finance in the Office of the Governor the sum of \$1,438,500 for an upgrade to the Nevada Executive Budget System.

2. There is hereby appropriated from the State General Fund to the Budget Division of the Office of Finance in the Office of the Governor the sum of ~~\$66,382~~ **\$53,052** for the replacement of office furniture.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 523.

Bill read second time.

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

Amendment No. 871.

AN ACT making appropriations to the Department of Motor Vehicles for replacement of uninterruptible power supply equipment and Storage Area Network units, an upgrade to the Avaya telephone and PBX systems and CrowdStrike software; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of \$150,000 for the replacement of uninterruptible power supply equipment.

2. There is hereby appropriated from the State Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of \$660,680 for the replacement of Storage Area Network units.

3. There is hereby appropriated from the State Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of ~~(\$379,185)~~ \$279,393 for an upgrade to the Avaya telephone and PBX systems.

4. There is hereby appropriated from the State Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of \$93,500 for CrowdStrike software.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 539.

Bill read second time and ordered to third reading.

Senate Bill No. 14.

Bill read second time.

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

Amendment No. 830.

AN ACT relating to governmental administration; authorizing the Governor to remove certain gubernatorial appointees to boards, commissions or similar bodies under certain circumstances; authorizing the Governor to remove appeals officers under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Governor to remove from their positions gubernatorial appointees to certain boards, commissions and similar bodies, such as the Board of Examiners for Long-Term Care Administrators, the State Board of Pharmacy and the State Board of Landscape Architecture, among others. (NRS 623A.080, 639.030, 654.080) The Governor is not explicitly authorized to remove gubernatorial appointees to other boards, such as the

State Board of Professional Engineers and Land Surveyors, the Nevada Funeral and Cemetery Services Board and the Certified Court Reporters' Board of Nevada, among others. (NRS 625.100, 642.020, 656.040) **Section 1** of this bill: (1) declares any gubernatorial appointee to any board, commission or similar body to be a civil officer of this State; and (2) authorizes the Governor to remove such an appointee for ~~misconduct in office, incompetence~~ **malfeasance** or ~~neglect~~ **nonfeasance in the performance of ~~duty~~ his or her duties** unless a specific statute requires other removal procedures. **Section 1** requires that the Governor give the appointee 45 days' notice of the removal unless the Governor determines that circumstances require the immediate removal of the appointee.

Existing law requires the Governor to appoint one or more appeals officers to conduct hearings and appeals in contested cases involving industrial insurance benefits for injuries or death. Appeals officers must be licensed attorneys and are appointed for 2-year terms. (NRS 616C.340) **Section 2** of this bill: (1) declares an appeals officer to be a civil officer of this State; and (2) authorizes the Governor to remove an appeals officer prior to the expiration of his or her term for ~~misconduct in office, incompetence~~ **malfeasance** or ~~neglect~~ **nonfeasance in the performance of ~~duty~~ his or her duties** or if his or her license to practice law is revoked or suspended. **Section 2** requires that the Governor give the appeals officer 45 days' notice of the removal unless the Governor determines that circumstances require the immediate removal of the appeals officer.

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

Section 1. Chapter 232A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each member of a board, commission or similar body appointed by the Governor is deemed to be a civil officer of this State for the purposes of Section 4 of Article 7 of the Nevada Constitution.

*2. Except as otherwise provided by a specific statute, the Governor may remove any member of a board, commission or similar body appointed by the Governor for ~~misconduct in office, incompetence~~ **malfeasance** or ~~neglect~~ **nonfeasance in the performance of ~~duty~~ his or her duties**. The Governor shall provide the member 45 days' notice of the removal unless the Governor determines that circumstances warrant immediate removal.*

3. The provisions of this section which deem the holders of certain positions to be civil officers of this State:

(a) Are intended to supplement all other provisions of statute or case law which make the holders of certain positions be civil officers of this State; and

(b) Must not be construed to make the holder of any position not described in this section not be a civil officer of this State.

Sec. 2. NRS 616C.340 is hereby amended to read as follows:

616C.340 1. The Governor shall appoint one or more appeals officers to conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS. ***Each appeals officer appointed by the Governor is deemed to be a civil officer of this State for the purposes of Section 4 of Article 7 of the Nevada Constitution.*** Each appeals officer shall hold office for 2 years after the date of his or her appointment and until the successor of the appeals officer is appointed and has qualified. Each appeals officer is entitled to receive an annual salary in an amount provided by law and is in the unclassified service of the State.

2. Each appeals officer must be an attorney who has been licensed to practice law before all the courts of this State for at least 2 years. Except as otherwise provided in NRS 7.065, an appeals officer shall not engage in the private practice of law.

3. If an appeals officer determines that he or she has a personal interest or a conflict of interest, directly or indirectly, in any case which is before him or her, the appeals officer shall disqualify himself or herself from hearing the case.

4. The Governor may appoint one or more special appeals officers to conduct hearings and appeals as required pursuant to chapters 616A to 617, inclusive, of NRS. ***Each special appeals officer appointed by the Governor is deemed to be a civil officer of this State for the purposes of Section 4 of Article 7 of the Nevada Constitution.*** The Governor shall not appoint an attorney who represents persons in actions related to claims for compensation to serve as a special appeals officer.

5. A special appeals officer appointed pursuant to subsection 4 is vested with the same powers as a regular appeals officer. A special appeals officer may hear any case in which a regular appeals officer has a conflict, or any case assigned to the special appeals officer by the senior appeals officer to assist with a backlog of cases. A special appeals officer is entitled to be paid at an hourly rate, as determined by the Department of Administration.

6. ***The Governor may remove any appeals officer or special appeals officer for ~~misconduct in office, incompetence~~ malfeasance or ~~neglect~~ nonfeasance in the performance of ~~his or her~~ his or her duties. The Governor may remove any appeals officer whose license to practice law has become void or has been revoked or suspended. The Governor shall provide the appeals officer or special appeals officer 45 days' notice of the removal unless the Governor determines that circumstances warrant immediate removal.***

7. The decision of an appeals officer is the final and binding administrative decision on a claim for compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS, and the whole record consists of all evidence taken at the hearing before the appeals officer and any findings of fact and conclusions of law based thereon.

8. The provisions of this section which deem the holders of certain positions to be civil officers of this State:

(a) Are intended to supplement all other provisions of statute or case law which make the holders of certain positions be civil officers of this State; and

(b) Must not be construed to make the holder of any position not described in this section not be a civil officer of this State.

Sec. 3. The amendatory provisions of this act apply to any person who has been appointed to office before, on or after the effective date of this act.

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 29.

Bill read second time and ordered to third reading.

Senate Bill No. 71.

Bill read second time.

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

Amendment No. 776.

AN ACT relating to vehicles; revising provisions regarding the expiration of registration for vehicles registered through the Motor Carrier Division of the Department of Motor Vehicles; authorizing certain motor carriers to provide evidence of registration and other licenses in an electronic format; providing that certain persons are jointly and severally liable with certain other persons for payment to the Department ~~of Motor Vehicles~~ of certain taxes and fees relating to fuel; revising the definitions of "supplier" and "special fuel supplier" to include a person who exports certain types of fuel; authorizing the Department to enter into agreements with certain persons for the issuance and renewal of a special fuel users license; authorizing a special fuel user to provide evidence of a special fuel user's license in an electronic format; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain vehicles to be registered through the Motor Carrier Division of the Department of Motor Vehicles. (NRS 482.206, 482.217, 482.276, 482.2916, 706.188) The registration generally expires 12 months after the date of first registration, with an exception for certain apportioned interstate vehicles, for which the registration expires on a date set by the Department in regulation. Section 1 of this bill provides that the registration of any vehicle which is required to be registered through the Motor Carrier Division expires on a date established by the

Department by regulation. Section 12.5 of this bill makes a conforming change.

Existing law also requires the owner of a registered vehicle to place a certificate of registration or a legible copy of the certificate of registration in the vehicle and to keep it in the vehicle. (NRS 482.255) **Section ~~11~~ 1.5** of this bill authorizes a person who is required to register through the Motor Carrier Division to provide evidence of registration in an electronic format that can be displayed on an electronic device, which must be carried in the vehicle, or be accessible to law enforcement or other emergency personnel by other means. **Section ~~11~~ 1.5** also provides that a person who presents evidence of registration by means of an electronic device assumes all liability for any resulting damage to the device and provides that the owner of the vehicle may be held liable for any other infractions indicated by the electronic image displaying evidence of registration.

Existing law requires certain taxes and fees on certain types of vehicle fuel be paid to the Department of Motor Vehicles, and authorizes the Department to impose penalties and interest if such payment is deficient or not timely paid. (NRS 360A.100) **Section 2** of this bill provides that a responsible person who willfully fails to collect or pay to the Department any such taxes or fees or attempts to evade such payment is jointly and severally liable with any other person who is required to pay the tax or fee. **Section 2** defines a “responsible person” to include a person whose job or duty it is to collect, account for or pay any such tax or fee and who attests to the accuracy of the payment of the tax or fee under penalty of perjury, including: (1) an officer or employee of a corporation; and (2) a member or employee of a partnership or limited-liability company.

Existing law defines “supplier” for the purposes of laws governing motor vehicle fuel, except aviation fuel, and “special fuel supplier” for the purposes of laws governing special fuels. (NRS 365.084, 366.070) **Sections 3 and 6** of this bill add to the definitions of “supplier” and “special fuel supplier” a person who exports the respective fuels to a location outside of this State.

Existing law requires certain special fuel users to be licensed by the Department. (NRS 366.220, 366.221) **Section 5** of this bill authorizes the Department to enter into an agreement with a special fuel user, or a service provider who is authorized by the Department to perform certain functions on behalf of a special fuel user, to authorize the special fuel user or service provider to issue a special fuel user’s license, renew a special fuel user’s license and issue certain identifying devices required for certain special fuel users. Such a special fuel user or service provider must file a bond or certain other form of security with the Department. **Sections 8-10** of this bill make conforming changes. **Section 9** authorizes a special fuel user to keep his or her special fuel user’s license in his or her vehicle on an electronic device which displays the license in an electronic format. **Section 9** also provides that the person who presents proof of licensure by means of an electronic device assumes all liability for any resulting damage to the device, and provides that

the licensee may be held liable for any other infractions indicated by the electronic image displaying evidence of licensure.

Existing law authorizes the Department to enter into a cooperative agreement with other states and countries for the exchange of information regarding, and the auditing of, persons who use special fuel in motor vehicles operated or intended to operate interstate. (NRS 366.175) **Section 7** of this bill identifies that agreement as the International Fuel Tax Agreement.

Existing law requires a special fuel user who fails to file a tax return or pay excise tax by the due date to pay a delinquent filing fee of \$50 and a penalty of 10 percent of the amount of tax owed. (NRS 366.395) **Section 11** of this bill requires such a person to pay either the delinquent filing fee or the penalty of 10 percent of the amount owed, whichever is greater.

Existing law authorizes the Department to enter into an agreement with certain departments or agencies of other states or countries regarding: (1) a plan concerning registration fees and certain other taxes; and (2) requirements that apply to certain vehicles that operate between this State and such other states or countries. (NRS 706.826) **Section 12** of this bill identifies that plan as the International Registration Plan.

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

Section 1. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section and NRS 482.2065, every motor vehicle, except for a motor vehicle that is **required to be** registered ~~[pursuant to the provisions of NRS 706.801 to 706.861, inclusive;]~~ **through the Motor Carrier Division of the Department,** and except for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 or a moped registered pursuant to NRS 482.2155, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State.

2. Except as otherwise provided in subsections 7 and 8 and NRS 482.2065, every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this State.

3. Except as otherwise provided in subsection 7 and NRS 482.2065, a **motor** vehicle which must be registered through the Motor Carrier Division of the Department, **including, without limitation:**

(a) Pursuant to the provisions of NRS 706.801 to 706.861, inclusive; or
~~[(a)]~~

(b) As a commercial motor vehicle which has a declared gross weight in excess of ~~[(26,000)]~~ **10,000** pounds,

↪ must be registered for a period of 12 consecutive months beginning on the date established by the Department by regulation.

4. Upon the application of the owner of a fleet of vehicles ~~[(a)]~~ **which are not required to be registered through the Motor Carrier Division of the**

Department, the Director may permit the owner to register the fleet on the basis of a calendar year.

5. Except as otherwise provided in subsections 6, 7 and 8, when the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

(a) The first day of the month after the transfer, if the vehicle is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

↪ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

6. When the registration of any trailer that is registered for a 3-year period pursuant to NRS 482.2065 is transferred pursuant to NRS 482.399, the expiration date of each license plate or substitute decal must, at the time of the transfer of the registration, be advanced, if applicable pursuant to NRS 482.2065, for a period of 3 consecutive years beginning:

(a) The first day of the month after the transfer, if the trailer is transferred by an agent of the Department; or

(b) The day after the transfer in all other cases,

↪ and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

7. A full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is registered until the date on which the owner of the full trailer or semitrailer:

(a) Transfers the ownership of the full trailer or semitrailer; or

(b) Cancels the registration of the full trailer or semitrailer and surrenders the license plates to the Department.

8. A moped that is registered pursuant to NRS 482.2155 is registered until the date on which the owner of the moped:

(a) Transfers the ownership of the moped; or

(b) Cancels the registration of the moped and surrenders the license plate to the Department.

~~Section 1.1~~ **Sec. 1.5.** NRS 482.255 is hereby amended to read as follows:

482.255 1. ~~Upon~~ ***Except as otherwise provided in subsection 2, upon*** receipt of a certificate of registration, the ***registered*** owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, moped, trailer or semitrailer, the ***registered*** owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. ***The registered owner of a vehicle which, pursuant to the plan, must be registered through the Motor Carrier Division of the Department, in lieu***

of carrying a certificate of registration or a legible copy in the vehicle, may provide evidence of registration and other applicable licenses as an electronic image in an electronic format that can be displayed:

- (a) On an electronic device, which must be carried in the vehicle; or*
- (b) Through other means by which the electronic image is accessible to law enforcement or other emergency personnel upon request, including, without limitation, a radio frequency identifying device.*

3. The *registered* owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration, ~~to~~ the copy, *the electronic device or access to the electronic image* for examination to any peace officer, including a constable of the township in which the motor vehicle is located or a justice of the peace or a deputy of the Department.

~~3.4~~ 4. No person charged with violating this section may be convicted if the person produces in court a certificate of registration *or evidence of registration in an electronic format* which was previously issued to him or her and was valid at the time of the demand.

5. *If the evidence of registration and other applicable licenses is provided by means of an electronic device:*

- (a) The person who presents the device assumes all liability for any resulting damage to the device;*
- (b) The owner of the electronic device may be held liable for any other infractions indicated by the electronic image displaying evidence of registration and other applicable licenses.*

6. As used in this section, “*plan*” means the *International Registration Plan*.

Sec. 2. Chapter 360A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A responsible person who willfully fails to collect or pay to the Department any tax or fee required to be paid to the Department pursuant to chapter 365, 366 or 373 of NRS or NRS 445C.330 or 590.120 or who attempts to evade the payment of any such tax or fee, is jointly and severally liable with any other person who is required to pay such a tax or fee for the tax or fee owed plus interest and all applicable penalties. The responsible person shall pay the tax or fee upon notice from the Department that it is due.*

2. As used in this section, “*responsible person*” includes:

- (a) An officer or employee of a corporation; and*
- (b) A member or employee of a partnership or limited-liability company, whose job or duty it is to collect, account for or pay to the Department any tax or fee required to be paid to the Department pursuant to chapter 365, 366 or 373 of NRS or NRS 445C.330 or 590.120 and who attests to the accuracy of the payment of the tax or fee under penalty of perjury.*

Sec. 3. NRS 365.084 is hereby amended to read as follows:

365.084 “*Supplier*” means a person who:

1. Imports or acquires immediately upon importation into this State motor vehicle fuel, except aviation fuel, from within or without a state, territory or possession of the United States or the District of Columbia into a terminal located in this State;

2. Otherwise acquires for distribution in this State motor vehicle fuel, except aviation fuel, with respect to which there has been no previous taxable sale or use; ~~for~~

3. Produces, manufactures or refines motor vehicle fuel, except aviation fuel, in this State ~~+~~; *or*

4. *Exports motor vehicle fuel, except aviation fuel, to a location outside of this State.*

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 366 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Upon the request of a special fuel user or a service provider, the Department may enter into an agreement with the special fuel user or service provider which authorizes the special fuel user or service provider to license a special fuel user or renew a special fuel user's license and issue the identifying device required by NRS 366.265, if applicable.*

2. *Before licensing a special fuel user, renewing a special fuel user's license or issuing an identifying device pursuant to subsection 1:*

(a) *A special fuel user who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than \$25,000; and*

(b) *A service provider who enters into an agreement with the Department pursuant to this section shall file with the Department a bond of a surety company authorized to transact business in this State for the benefit of this State in an amount not less than \$50,000.*

3. *If a special fuel user or service provider provides a savings certificate, certificate of deposit or investment certificate pursuant to NRS 100.065 in lieu of the bond required pursuant to subsection 2, the certificate must state that the amount is not available for withdrawal except upon the approval of the Director of the Department.*

4. *If at any time a special fuel user or service provider is unable to account for an unissued license or an identifying device, the special fuel user or service provider must immediately pay to the Department an amount established by the Department.*

5. *The Department may cancel an agreement entered into pursuant to this section with any special fuel user or service provider for refusing or neglecting to comply with the provisions of this chapter.*

6. *The Director shall adopt such regulations as are necessary to carry out the provisions of this section.*

7. *As used in this section, "service provider" means a business or organization authorized by the Department to license a special fuel user or renew a special fuel user's license on behalf of a special fuel user.*

Sec. 6. NRS 366.070 is hereby amended to read as follows:

366.070 1. "Special fuel supplier" means a person who:

(a) Imports or acquires immediately upon importation into this State special fuel from within or without a state, territory or possession of the United States or the District of Columbia into a terminal located in this State;

(b) *Exports special fuel to a location outside of this State;*

(c) Produces, manufactures or refines special fuel in this State; or

~~(e)~~ (d) Otherwise acquires for distribution in this State special fuel with respect to which there has been no previous taxable sale or use.

2. The term does not include a special fuel manufacturer.

Sec. 7. NRS 366.175 is hereby amended to read as follows:

366.175 1. To the extent permitted by federal law, the Department may enter into *a cooperative ~~agreements~~ agreement* with other states and countries for the exchange of information regarding, and the auditing of, persons who use special fuel in motor vehicles operated or intended to operate interstate. Any agreement, arrangement or declaration, or any amendment thereto, is not effective until reduced to writing and signed by the parties thereto or their authorized representatives.

2. An agreement may include, with respect to persons who use special fuel, provisions:

(a) For determining the domicile of those persons;

(b) Specifying the records which are required to be kept by those persons;

(c) Relating to audit procedures, the exchange of information and persons eligible for licensing;

(d) Defining various words and terms;

(e) Setting forth the procedure for collecting special fuel taxes owing to another jurisdiction and forwarding those taxes to that jurisdiction; and

(f) Designed to facilitate the administration of the agreement.

3. The Department may, pursuant to the terms of an agreement, forward to the designated representatives of another jurisdiction any information in its possession relating to the manufacture, transportation, shipment, sale or use of special fuel by any person, and the location within this State of any motor vehicles owned by a person who has been identified by another jurisdiction as a user of special fuel.

4. An agreement may provide that each jurisdiction shall audit the records of persons residing or doing business within that jurisdiction to determine if the special fuel taxes owing to each jurisdiction have been properly reported and paid, and requiring each jurisdiction to forward the findings of its audits to every other jurisdiction in which the person who is the subject of an audit has incurred tax liability as a result of his or her use of special fuel. The audit findings received from another jurisdiction may be used by the Department as

the basis for an estimated assessment of tax due from a person pursuant to the provisions of NRS 360A.100.

5. Any agreement entered into pursuant to the provisions of this section does not preclude the Department from auditing the records of any person subject to the provisions of this chapter.

6. As used in this section, “agreement” means the International Fuel Tax Agreement.

Sec. 8. NRS 366.240 is hereby amended to read as follows:

366.240 1. Except as otherwise provided in subsection 2 ~~and~~ **and section 5 of this act**, the Department shall:

(a) Upon receipt of the application and bond in proper form, issue to the applicant a special fuel supplier’s or special fuel dealer’s license.

(b) Upon receipt of the application in proper form, issue to the applicant a special fuel exporter’s, special fuel transporter’s, special fuel user’s or special fuel manufacturer’s license.

2. The Department may refuse to issue a license pursuant to this section to any person:

(a) Who formerly held a license issued pursuant to this chapter or a similar license of any other state, the District of Columbia, the United States, a territory or possession of the United States or any foreign country which, before the time of filing the application, has been revoked for cause;

(b) Who applies as a subterfuge for the real party in interest whose license, before the time of filing the application, has been revoked for cause;

(c) Who, if the person is a special fuel supplier or special fuel dealer, neglects or refuses to furnish a bond as required by this chapter;

(d) Who is in default in the payment of a tax on special fuel in this State, any other state, the District of Columbia, the United States, a territory or possession of the United States or any foreign country;

(e) Who has failed to comply with any provision of this chapter; or

(f) Upon other sufficient cause being shown.

Sec. 9. NRS 366.265 is hereby amended to read as follows:

366.265 1. A special fuel user who is required to hold a special fuel user’s license pursuant to the provisions of this chapter shall:

(a) If the special fuel user uses special fuel in a motor vehicle that is operated or intended to operate interstate:

(1) Obtain an identifying device issued pursuant to ~~the~~ **the**:

(I) An agreement with the Department entered into pursuant to section 5 of this act; or

(II) A cooperative agreement entered into pursuant to NRS 366.175;
and

(2) Conspicuously display that identifying device on the exterior of the motor vehicle in such location as is required pursuant to the cooperative agreement.

(b) At any time the special fuel user is using special fuel in this State, ensure that his or her license, ~~is~~ a reproduction of the license that is authorized by

the Department ~~†~~ *or an electronic device that displays the license in an electronic format that is authorized by the Department* is located in the motor vehicle.

2. The Department may establish by regulation a fee for the issuance of the identifying device described in subsection 1, in an amount not to exceed the estimated administrative costs of issuing the device. If the Department establishes the fee and issues such a device to a special fuel user ~~†~~ *or provides such a device to the special fuel user under the terms of an agreement entered into pursuant to section 5 of this act*, it shall charge and collect the fee from the special fuel user.

3. If proof of licensure is provided by means of an electronic device:

(a) The person who presents the electronic device assumes all liability for any resulting damage to the electronic device; and

(b) The licensee may be held liable for other infractions indicated by the electronic image displaying evidence of licensure.

Sec. 10. NRS 366.270 is hereby amended to read as follows:

366.270 If any person ceases to be a special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter, special fuel user or special fuel manufacturer within this State by reason of the discontinuance, sale or transfer of his or her business, the person shall:

1. Notify the Department in writing at the time the discontinuance, sale or transfer takes effect. The notice must give the date of the discontinuance, sale or transfer, and the name and address of any purchaser or transferee.

2. Surrender to the Department the license issued to the person by the Department ~~†~~ *or under the terms of an agreement entered into with the Department pursuant to section 5 of this act.*

3. If the person is:

(a) A special fuel user registered under the Interstate Highway User Fee Apportionment Act, file the tax return required pursuant to NRS 366.380 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(b) A special fuel supplier, file the tax return required pursuant to NRS 366.383 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(c) A special fuel dealer or special fuel manufacturer, file the tax return required pursuant to NRS 366.386 and pay all taxes, interest and penalties required pursuant to this chapter and chapter 360A of NRS, except that both the filing and payment are due on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(d) A special fuel exporter, file the report required pursuant to NRS 366.387 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

(e) A special fuel transporter, file the report required pursuant to NRS 366.695 on or before the last day of the month following the month of the discontinuance, sale or transfer of the business.

Sec. 11. NRS 366.395 is hereby amended to read as follows:

366.395 1. Any special fuel user who fails to file a tax return or pay any excise tax by the date due shall pay, in addition to any tax that may be due, a delinquent filing fee of \$50 ~~and~~ *or* a penalty of 10 percent of the amount of tax owed, *whichever is greater*, plus interest on the amount of any tax that may be due at a rate established by the Department in accordance with the provisions of a cooperative agreement entered into pursuant to NRS 366.175, from the date the tax was due until the date of payment.

2. A tax return, statement or payment is considered delinquent if it is not received by the Department on or before the date the tax return, statement or payment is due, as prescribed by the provisions of this chapter.

3. A tax return, statement or payment shall be deemed received on the date shown by the cancellation mark stamped by the United States Postal Service or the postal service of any country upon an envelope containing the tax return, statement or payment.

Sec. 12. NRS 706.826 is hereby amended to read as follows:

706.826 In carrying out NRS 706.801 to 706.861, inclusive, each department of this State may enter into agreements with the departments or appropriate agencies of this or any other state or country to provide for any or all of the following:

1. For the exemption from the plan of certain classes of vehicles either on the basis of type, extent or frequency of operations and, when also deemed advisable, for their total or partial exemption from the fees for registration or taxes or both upon the conditions set forth in the agreement, all as found to be in the interest of this State, the facilitating of this plan, or of the facilitating of the operation of vehicles between this and the other contracting state or country.

2. For the reports and records required pursuant to NRS 706.801 to 706.861, inclusive, or any regulations made pursuant thereto to be uniform with the reports and records required by the other contracting state or country, but this does not prevent any department from requiring additional information from any operator subject to NRS 706.801 to 706.861, inclusive.

3. For the joint audit of the reports and records of any operator subject to NRS 706.801 to 706.861, inclusive, the reports and records of any such operator and the department may be disclosed to the extent necessary for this purpose.

4. For the use of a plate, license, emblem, certificate or other device of this or any other state or country, for the identification of vehicles subject to the plan.

5. For putting the plan into effect between this and any other state or country.

6. As used in this section, "plan" means the International Registration Plan.

Sec. 12.5. NRS 706.841 is hereby amended to read as follows:

706.841 1. Each operator shall qualify to operate pursuant to the provisions of NRS 706.801 to 706.861, inclusive, by filing an application for that purpose with the Department:

(a) If the application is an initial application for registration, before the time any fee becomes delinquent; and

(b) If the application is for the renewal of a registration, on or before ~~December 1,~~ **the first day of the month in which the registration expires.**

2. The application must:

(a) Show the total mileage of motor vehicles operated by the person in this State and all states and countries during the next preceding 12 months ending June 30 and describe and identify each motor vehicle to be operated during the period of registration in such detail as the Department may require.

(b) Be accompanied by a fee, unless the Department is satisfied that the fee is secured, to be computed as follows:

(1) Divide the number of in-state miles by the total number of fleet miles;

(2) Determine the total amount of money necessary to register each motor vehicle in the fleet for which registration is requested; and

(3) Multiply the amount determined under subparagraph (2) by the fraction obtained pursuant to subparagraph (1).

Sec. 13. (Deleted by amendment.)

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 94.

Bill read second time and ordered to third reading.

Senate Bill No. 161.

Bill read second time.

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

Amendment No. 755.

AN ACT relating to financial businesses; requiring the Director of the Department of Business and Industry to establish and administer the Regulatory Experimentation Program for Product Innovation; setting forth the requirements for the operation of the Program; providing for a temporary exemption from certain statutory and regulatory requirements related to financial products and services for a participant in the Program under certain circumstances; requiring the Director to submit to the Legislature an annual report on the Program; revising provisions relating to persons who make loans

exclusively via the Internet; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing provisions of chapters 645A, 645B, 645F and 645G of NRS, titles 55 and 56 of NRS and the various regulations adopted pursuant to those statutes impose licensing and other regulatory requirements on the provision of certain financial products and services, ranging from consumer lending to banking and debt counseling. This bill, modeled after similar legislation from Arizona, generally provides for the establishment and administration of a program by the Director of the Department of Business and Industry under which persons offering or providing such a product or service in a technically innovative way may seek a temporary exemption from some or all of the statutory and regulatory provisions that otherwise apply to the product or service. (Ariz. Rev. Stat. Ann. §§ 41-5601 et seq.) At the end of the period of exemption, a participant in the program must cease to provide the product or service or continue operations in accordance with applicable licensing and other requirements.

Section 11 of this bill requires the Director to establish and administer the Regulatory Experimentation Program for Product Innovation. A person who desires to become a participant in the Program is required by **section 12** of this bill to submit an application to the Director. If the Director approves the application, **section 15** of this bill provides that the product or service of the participant is generally exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant to any of those statutes, except as the Director may otherwise require. **Section 46.3 of this bill imposes certain temporary limitations on the number of persons who may participate in the Program.**

Sections 16 and 17 of this bill establish requirements and limitations on the provisions of a product or service under the Program. **Section 16** of this bill limits the number of consumers in this State to whom a product or service may be provided by a participant, while **section 17** of this bill imposes certain specific requirements and limitations applicable to participants who are transmitters of money. **Section 19** of this bill authorizes the Director to grant relief from some of these requirements and limitations under certain circumstances.

Sections 20-24 of this bill govern the operation of the Program. **Section 20** of this bill sets forth certain disclosures that must be made before a product or service is provided to a recipient of the product or service. **Section 21** of this bill requires the Director to establish a system for the submission of complaints. **Sections 22 and 23** of this bill contain provisions relating to recordkeeping and the confidentiality of records relating to the Program.

Pursuant to **sections 25 and 26** of this bill, the period of participation in the Program is generally limited to 2 years, at which time a participant must cease to offer or provide a product or service under the Program. A participant may

seek an extension of this period to apply for any license or other authorization otherwise required for the product or service.

Section 26.3 of this bill authorizes the Director to take certain actions if a participant has engaged in, is engaging in or threatens to engage in any act or omission that the Director determines is inconsistent with the health, safety or welfare of consumers or the public generally. Section 27 of this bill authorizes the Director to act to enjoin or otherwise prevent any violation of the provisions governing the Program. **Section 30** of this bill: (1) requires the Director, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, ~~and~~ **the applicable regulator,** to adopt certain regulations for the protection of consumers of financial products or services through the Program; and (2) authorizes the Director to adopt any other regulations necessary to carry out the Program. **Section 31** of this bill requires the Director to report annually to the Legislature on the status of the Program. **Sections ~~32-42,~~ 35, 37-42, 43 and 44-47** of this bill make conforming changes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner of Financial Institutions for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Under existing law, a person who wishes to obtain a license for an office or place of business located outside of this State is required, among other requirements, to have a license for an office or place of business located inside this State. (NRS 675.090) **Section 43.3** of this bill authorizes persons who make loans exclusively via the Internet, who are designated by **section 42.5** of this bill as "Internet lenders," to apply for a license to engage in the business of lending for an office or place of business located outside of this State without having a license for an office or place of business located inside this State. **Section 43.7** of this bill exempts Internet lenders from provisions of existing law which prohibit persons from conducting the business of making loans in the same office or place of business as any other business. (NRS 675.230)

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

Sec. 2. *As used in sections 2 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Applicable regulator" means ~~[an official or agency of this State, as identified by the Director,]~~ the Commissioner of Mortgage Lending, the Division of Mortgage Lending of the Department of Business and Industry, the Commissioner of Financial Institutions or the Division of Financial Institutions of the Department of Business and Industry, as applicable, responsible for regulating a financial product or service.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *“Consumer” means any person who purchases or otherwise enters into a transaction or agreement to receive a financial product or service.*

Sec. 5.5. *“Director” means the Director of the Department of Business and Industry.*

Sec. 6. *“Financial product or service” or “product or service” means any product, service, activity, business model, mechanism for delivery or element of any of these that:*

1. *Includes an innovation; and*

2. *But for the provisions of sections 2 to 31, inclusive, of this act, is governed by the provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

Sec. 7. *“Innovation” means any use of a new or emerging technology, or any novel use of an existing technology, to address a problem, provide a benefit or otherwise offer or provide a financial product or service that is determined by the Director not to be widely available in this State.*

Sec. 8. *“Participant” means a person whose application to participate in the Program has been approved by the Director pursuant to section 14 of this act.*

Sec. 9. *“Program” means the Regulatory Experimentation Program for Product Innovation established and administered by the Director pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 10. *“Test” means to offer or provide a financial product or service through the Program.*

Sec. 11. *In consultation with each applicable regulator, the Director shall establish and administer the Regulatory Experimentation Program for Product Innovation to enable a person to obtain limited access to markets in this State to test a financial product or service without:*

1. *Applying for or obtaining any license or other authorization otherwise required by any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto; or*

2. *Otherwise complying with any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 or 26.3 of this act.*

Sec. 12. 1. *A person who desires to participate in the Program to test a financial product or service must submit a written application in accordance with this section, in the form prescribed by the Director. A separate application must be filed for each product or service proposed for testing.*

2. *The application must show that the applicant will at all times during the test:*

(a) *Be subject to the exercise of personal jurisdiction by the courts of this State; and*

(b) Establish and maintain a physical or virtual location that is reasonably accessible to the Director, from which testing will occur and at which all records, documents and data required by sections 2 to 31, inclusive, of this act will be maintained.

3. The application must include:

(a) A description of the product or service proposed for testing and an explanation of:

(1) The innovation included in the product or service;

(2) The regulatory scheme otherwise applicable to the product or service outside the Program;

(3) Any benefit of the product or service to consumers;

(4) Any risk of financial loss or other harm to consumers associated with the product or service;

(5) The nature or features of the product or service that distinguish it from any similar product or service available in this State; and

(6) The manner in which participation in the Program will facilitate a successful test of the product or service;

(b) A statement of the proposed plan for testing the product or service, including:

(1) An estimate of the dates or periods of time anticipated for entry into and exit from the relevant market in this State;

(2) Measures to protect consumers from financial loss or other harm caused by a failure of the test; and

(3) The plan to wind up and terminate the test;

(c) The full legal name, address, telephone number, electronic mail address and website address of the applicant and, if the applicant is not a natural person, each officer, director or other principal of the applicant;

(d) A description of any criminal conviction and any final administrative suspension, revocation or termination of a professional or occupational license of the applicant and any other person described in paragraph (c) if such a conviction or suspension, revocation or termination occurred in this State or another jurisdiction within the 5 years immediately preceding the date of the application;

(e) The consent of the applicant to the provisions for choice of law and provisions for the selection of a forum as prescribed by the Director; and

(f) Any other information deemed necessary by the Director.

4. The application must be submitted to the Director and be accompanied by a nonrefundable fee of not more than \$1,000. The Director shall account separately for the money received from fees collected pursuant to this section and use that money solely to pay the expenses of administering the Program.

Sec. 13. 1. The Director may refuse to consider any application submitted pursuant to section 12 of this act if the application does not include the information required by section 12 of this act or any other information deemed necessary by the Director. The applicant shall provide,

within the period directed by the Director, any additional information required in connection with the application. If the required information is not provided, the application may be denied by the Director as incomplete.

2. Upon receipt of a completed application and payment of the required fee, the Director shall identify and consult with each applicable regulator having an interest in the subject of the application. The consultation is advisory only and not binding on the Director. The consultation may relate to any matter deemed by the Director to be relevant to the application, including, without limitation:

(a) Any license or other authorization previously issued by the applicable regulator, or the corresponding regulator in another jurisdiction, to the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act;

(b) Any criminal, civil, administrative or other proceeding previously brought by or on behalf of the applicable regulator, or the corresponding regulator in any other jurisdiction, against the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act; and

(c) The ability of the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act to qualify for a license or other authorization from the applicable regulator upon the completion of testing.

3. Unless the Director and the applicant mutually agree to extend this period, the Director shall approve or deny an application within 90 days after the completed application is received.

Sec. 14. 1. Except as otherwise provided in this subsection, the Director may approve or deny any application or request submitted pursuant to sections 2 to 31, inclusive, of this act. The Director may not approve an application or request if provision of the relevant financial product or service to consumers in this State would exceed the applicable limitation provided by subsection 2 or 3 of section 16 of this act.

2. The Director shall give the applicant or participant written notice of the approval or denial of the application or request within 5 business days after the date of approval or denial.

3. The approval or denial of an application or request is final and not subject to administrative or judicial review.

Sec. 15. 1. If the Director approves an application to participate in the Program:

(a) The applicant shall be deemed a participant.

(b) The Director shall issue a registration number unique to the approval.

(c) Except as otherwise required by the Director pursuant to subsection 2 ~~of~~ or section 26.3 of this act, a product or service offered or provided within the scope of the Program is exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.

2. *In addition to any other requirements or limitations of section 16 or 17 of this act that apply to a product or service, the Director may condition approval of an application upon compliance by the participant with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

3. *A notice of approval of an application given pursuant to section 14 of this act must be accompanied by a copy of the provisions of sections 2 to 31, inclusive, of this act and any applicable regulations of the Director then in effect, and set forth:*

- (a) The registration number applicable to the approval;*
- (b) The period of testing prescribed by section 25 of this act;*
- (c) The general limitations of section 16 of this act, any additional requirements or limitations applicable specifically to the product or service pursuant to section 17 of this act and any conditions imposed pursuant to subsection 2 ~~17~~ or section 26.3 of this act; and*
- (d) Any additional information required by the Director to be disclosed to consumers pursuant to subsection 2 of section 20 of this act.*

Sec. 16. *Any financial product or service provided within the scope of the Program is subject to the following requirements and limitations:*

1. *Any consumer of the product or service must be a resident of this State on the date that the product or service is first provided to the consumer.*
2. *Except as otherwise provided in subsection 3, not more than 5,000 consumers may be provided a given product or service by a participant during the period of testing.*

3. *If the Director approves a request for relief by a participant pursuant to section 19 of this act, not more than 7,500 consumers may be provided a given product or service by the participant during the period of testing.*

Sec. 17. 1. *Except as otherwise provided in subsection 2, in addition to complying with any other applicable requirements and limitations, a participant who is testing a financial product or service within the scope of the Program for which a license is otherwise required pursuant to chapter 671 of NRS shall not receive for transmission or transmit during the period of testing:*

- (a) More than \$2,500 in any single transaction for a consumer.*
 - (b) More than \$25,000 in any series of transactions for a consumer.*
2. *If the Director approves a request for relief by a participant pursuant to section 19 of this act, the participant shall not receive for transmission or transmit during the period of testing:*

- (a) More than \$15,000 in any single transaction for a consumer.*
- (b) More than \$50,000 in any series of transactions for a consumer.*

Sec. 18. (Deleted by amendment.)

Sec. 19. 1. *At any time during the period of testing a financial product or service, a participant may submit to the Director a written request for relief from the limitations of subsection 2 of section 16 of this act or*

subsection 1 of section 17 of this act, or both, as they otherwise apply to the participant.

2. In accordance with any regulations adopted pursuant to section 30 of this act, the Director may:

(a) Approve a request for relief if the Director determines that the participant has adequate capitalization and satisfactory procedures and processes in place for the oversight of its operations and the management of risk.

(b) Rescind or modify at any time his or her approval of a request for relief.

3. The approval, denial, rescission or modification of approval of a request for relief is final and not subject to administrative or judicial review.

Sec. 20. 1. Before providing any financial product or service to a consumer, a participant shall disclose to the consumer:

(a) The name and contact information of the participant;

(b) The registration number applicable to the product or service, as issued by the Director pursuant to section 15 of this act;

(c) The fact that the product or service is generally exempt from any provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 or 26.3 of this act;

(d) If applicable, the fact that the participant is not the holder of a license or other authorization in this State to provide any product or service outside the scope of the Program;

(e) The fact that the participant has been approved to provide the product or service pursuant to sections 2 to 31, inclusive, of this act, but that the product or service is not endorsed or recommended by the Director or any governmental agency;

(f) The fact that the product or service is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end; and

(g) The fact that the consumer may submit a complaint to the Director relating to the product or service, with the telephone number and Internet address of the Internet website maintained by the Director pursuant to section 21 of this act.

2. The Director may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a product or service in addition to the disclosures required by subsection 1. The Director shall give written notice to the participant of any additional disclosures required pursuant to this subsection.

3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If a product or service is provided through an Internet website or mobile

application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.

Sec. 21. The Director shall establish and maintain a toll-free telephone number and Internet website through which a consumer may submit a complaint relating to any financial product or service provided by a participant.

Sec. 22. 1. The Director may establish by regulation periodic reporting requirements for participants in the Program.

2. On request by the Director, a participant shall make any requested record, information or data available for inspection and copying by the Director.

3. Each participant shall retain, for not less than 2 years after the end of the prescribed period of testing or for such longer period as the Director requires by order or regulation, all records and data produced in the ordinary course of business relating to a financial product or service tested in the Program.

4. If a product or service fails before the end of the period of testing, the participant shall:

(a) Give written notice of the failure to the Director.

(b) Include in the notice a description of any action taken by the participant to protect consumers from financial loss or other harm caused by the failure.

5. In addition to providing any other disclosure or notice of the unauthorized acquisition of computerized data required by any applicable statute or regulation, a participant shall promptly notify the Director of any unauthorized acquisition of computerized data constituting a breach of the security of the system data as that term is defined in NRS 603A.020.

Sec. 23. 1. Any record or information in a record submitted to or obtained by the Director or an applicable regulator pursuant to sections 2 to 31, inclusive, of this act:

(a) Except as otherwise provided in this section, is confidential and not a public book or record within the meaning of NRS 239.010.

(b) May be disclosed by the Director or an applicable regulator to:

(1) Any governmental agency or official; or

(2) A federal, state or county grand jury in response to a lawful subpoena.

2. Any disclosure pursuant to subsection 1 of a complaint relating to a financial product or service or the results of an examination, inquiry or investigation relating to a participant or product or service does not make the relevant record or information in a record a public record within the meaning of NRS 239.010, and a participant shall not disclose any such record or information to the general public except in connection with any disclosure required by law. A participant shall not disclose, use or refer to any comments, conclusions or results of an examination, inquiry or investigation in any communication to a consumer or potential consumer.

3. *The Director and any applicable regulator are immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 31, inclusive, of this act.*

4. *Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.*

Sec. 24. *Any information, writing, signature, record or disclosure required by the provisions of sections 2 to 31, inclusive, of this act or any regulation adopted pursuant thereto, may:*

1. *Be obtained, recorded, provided or maintained by a participant in electronic form.*

2. *With the approval of the Director, be substituted by a participant with any substantially equivalent information, writing, signature, record or disclosure.*

Sec. 25. *Unless a timely request for an extension of the period of testing is made and approved pursuant to section 26 of this act:*

1. *The period of testing for a financial product or service ends 2 years after the date of the notice given pursuant to section 14 of this act.*

2. *Except as otherwise provided in this subsection, the participant shall, within 60 days after the end of the period of testing, wind down the test and cease offering or providing the product or service. If the product or service entails the performance of any ongoing duty or function, such as the servicing of a loan, the participant shall continue to perform or contract with another person for the continued performance of the duty or function.*

Sec. 26. 1. *A participant may request an extension of the period of testing to apply for any license or other authorization required for the financial product or service by any statute or regulation of this State. A participant who desires such an extension must submit a written request to the Director not less than 30 days before the end of the period of testing.*

2. *The Director shall:*

(a) *Approve or deny the requested extension before the end of the prescribed period of testing; and*

(b) *Give written notice of the approval or denial as provided in section 14 of this act.*

3. *Only one extension of the period of testing may be granted pursuant to this section. Any such extension must not exceed 1 year in duration.*

4. *A participant who obtains an extension shall report periodically to the Director, in writing, on the status of the efforts of the participant to obtain a license or other authorization. The first such report must be submitted within 90 days after the date of the notice described in subsection 2, and subsequent reports must be submitted at intervals of not more than 90 days until the*

application of the participant for a license or other authorization is finally approved or finally denied by the applicable regulator.

Sec. 26.3. 1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission that the Director determines is inconsistent with the health, safety or welfare of consumers or the public generally, the Director may:

(a) Proceed to adopt a regulation to address the issue pursuant to section 30 of this act;

(b) Require the participant to comply with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto;

(c) Remove the participant from the Program or order the participant to exit the Program; or

(d) Take any combination of those actions.

2. Any action taken by the Director pursuant to this section is final and not subject to judicial or administrative review.

Sec. 27. 1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 31, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Director may:

(a) Request that the Attorney General bring an action in any court of competent jurisdiction to enjoin the violation;

(b) Remove the participant from the Program or order the participant to exit the Program; or

(c) Take any combination of those actions.

2. A removal of or compelled exit of a participant from the Program is final and not subject to administrative or judicial review.

Sec. 28. 1. Nothing contained in sections 2 to 31, inclusive, of this act shall be deemed to prohibit a participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or authorization.

2. The Director may enter into an agreement with any governmental agency or official of any other jurisdiction to authorize:

(a) A participant to operate in such a jurisdiction; or

(b) A person who is authorized to operate in such a jurisdiction to be a participant.

Sec. 29. For the purposes of any federal statute or regulation requiring a participant to hold a license or other authorization from this State in connection with a financial product or service, a participant shall be deemed to hold such a license or other authorization.

Sec. 30. 1. The Director shall, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General ~~and~~ and the applicable regulator, adopt regulations that establish

protections for consumers of financial products or services provided through the Program.

2. The Director may adopt such other regulations as he or she deems necessary to carry out the provisions of sections 2 to 31, inclusive, of this act.

Sec. 31. 1. *On or before March 1 of each year, the Director of the Department of Business and Industry shall prepare and submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and status of the Program.*

2. The report must include, for the immediately preceding calendar year:

(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;

(b) With respect to the applications that were denied, a description of the reasons for denial; and

(c) With respect to the applications that were approved:

(1) A description of each financial product or service provided by each participant in the Program;

(2) A statement of the number of participants providing each product or service; and

(3) An estimate of the number of consumers using each product or service.

3. The report may include any recommendations for legislation relating to the Program and any other information that the Director of the Department of Business and Industry deems relevant.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,

241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,

704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 23 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 36. (Deleted by amendment.)

Sec. 37. Chapter 645A of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 38. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or married couple, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

- (a) With or on behalf of an immediate family member of the person;
- (b) Secured by a dwelling that served as the person's residence; or
- (c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

13. *Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 39. Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 40. Chapter 645G of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 41. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this title do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 42. Chapter 673 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 42.5. NRS 675.020 is hereby amended to read as follows:

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

1. “Amount of cash advance” means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. ***"Internet lender" means a person who makes loans exclusively through the Internet.***

6. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~6.~~ 7. "Licensee" means a person to whom one or more licenses have been issued.

Sec. 43. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

12. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 43.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if ~~the applicant~~:

(a) **The applicant is an Internet lender;** or

(b) **The applicant or** a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State. ~~and if the applicant submits~~

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

↪ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~4~~ 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. 43.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in ~~subsection~~ **subsections 2 and 3**, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

- (1) Operate as separate legal entities;
- (2) Maintain separate accounts, books and records;
- (3) Are subsidiaries of the same parent corporation; and
- (4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. A licensee who is an Internet lender may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.

Sec. 44. NRS 676A.270 is hereby amended to read as follows:

676A.270 1. This chapter does not apply to an agreement with an individual who the provider has no reason to know resides in this State at the time of the agreement.

2. This chapter does not apply to a provider to the extent that the provider:

(a) Provides or agrees to provide debt-management, educational or counseling services to an individual who the provider has no reason to know resides in this State at the time the provider agrees to provide the services; or

(b) Receives no compensation for debt-management services from or on behalf of the individuals to whom it provides the services or from their creditors.

3. This chapter does not apply to the following persons or their employees when the person or the employee is engaged in the regular course of the person's business or profession:

(a) A judicial officer, a person acting under an order of a court or an administrative agency or an assignee for the benefit of creditors;

(b) A bank;

(c) An affiliate, as defined in paragraph (a) of subsection 2 of NRS 676A.030, of a bank if the affiliate is regulated by a federal or state banking regulatory authority; or

(d) A title insurer, escrow company or other person that provides bill-paying services if the provision of debt-management services is incidental to the bill-paying services.

4. *Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, this chapter does not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 45. Chapter 677 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 46. Chapter 678 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 46.3. Notwithstanding the provisions of section 14 of this act:

1. The Director of the Department of Business and Industry shall not approve more than three applications to participate in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act, submitted pursuant to section 12 of this act during each of the following periods:

(a) The period beginning on January 1, 2020, and ending on June 30, 2020; and

(b) The period beginning on July 1, 2020, and ending on December 31, 2020.

2. The Director of the Department of Business and Industry shall not approve more than five applications to participate in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act, submitted pursuant to section 12 of this act during each of the following periods:

(a) The period beginning on January 1, 2021, and ending on June 30, 2021;

(b) The period beginning on July 1, 2021, and ending on December 31, 2021;

(c) The period beginning on January 1, 2022, and ending on June 20, 2022; and

(d) The period beginning on July 1, 2022, and ending on December 31, 2022.

Sec. 47. 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. 48. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and
2. On January 1, 2020, for all other purposes.

Assemblywoman Spiegel moved the adoption of the amendment.
Remarks by Assemblywoman Spiegel.
Amendment adopted.

The following amendment was proposed by Assemblywoman Spiegel:
Amendment No. 801.

AN ACT relating to financial businesses; requiring the Director of the Department of Business and Industry to establish and administer the Regulatory Experimentation Program for Product Innovation; setting forth the requirements for the operation of the Program; providing for a temporary exemption from certain statutory and regulatory requirements related to financial products and services for a participant in the Program under certain circumstances; requiring the Director to submit to the Legislature an annual report on the Program; **revising provisions governing the registration by the Nevada State Board of Accountancy of partnerships, corporations, limited-liability companies and sole proprietorships**; revising provisions relating to persons who make loans exclusively via the Internet; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing provisions of chapters 645A, 645B, 645F and 645G of NRS, titles 55 and 56 of NRS and the various regulations adopted pursuant to those statutes impose licensing and other regulatory requirements on the provision of certain financial products and services, ranging from consumer lending to banking and debt counseling. This bill, modeled after similar legislation from Arizona, generally provides for the establishment and administration of a program by the Director of the Department of Business and Industry under which persons offering or providing such a product or service in a technically innovative way may seek a temporary exemption from some or all of the statutory and regulatory provisions that otherwise apply to the product or service. (Ariz. Rev. Stat. Ann. §§ 41-5601 et seq.) At the end of the period of exemption, a participant in the program must cease to provide the product or service or continue operations in accordance with applicable licensing and other requirements.

Section 11 of this bill requires the Director to establish and administer the Regulatory Experimentation Program for Product Innovation. A person who desires to become a participant in the Program is required by **section 12** of this bill to submit an application to the Director. If the Director approves the application, **section 15** of this bill provides that the product or service of the participant is generally exempt from any provision of chapter 645A, 645B,

645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant to any of those statutes, except as the Director may otherwise require.

Sections 16 and 17 of this bill establish requirements and limitations on the provisions of a product or service under the Program. **Section 16** of this bill limits the number of consumers in this State to whom a product or service may be provided by a participant, while **section 17** of this bill imposes certain specific requirements and limitations applicable to participants who are transmitters of money. **Section 19** of this bill authorizes the Director to grant relief from some of these requirements and limitations under certain circumstances.

Sections 20-24 of this bill govern the operation of the Program. **Section 20** of this bill sets forth certain disclosures that must be made before a product or service is provided to a recipient of the product or service. **Section 21** of this bill requires the Director to establish a system for the submission of complaints. **Sections 22 and 23** of this bill contain provisions relating to recordkeeping and the confidentiality of records relating to the Program.

Pursuant to **sections 25 and 26** of this bill, the period of participation in the Program is generally limited to 2 years, at which time a participant must cease to offer or provide a product or service under the Program. A participant may seek an extension of this period to apply for any license or other authorization otherwise required for the product or service.

Section 27 of this bill authorizes the Director to act to enjoin or otherwise prevent any violation of the provisions governing the Program. **Section 30** of this bill: (1) requires the Director, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, to adopt certain regulations for the protection of consumers of financial products or services through the Program; and (2) authorizes the Director to adopt any other regulations necessary to carry out the Program. **Section 31** of this bill requires the Director to report annually to the Legislature on the status of the Program. **Sections ~~32-42,~~ 35, 37-42, 43 and 44-47** of this bill make conforming changes.

Existing law grants practice privileges in this State to a natural person who holds a valid license as a certified public accountant in another state, territory or possession of the United States or the District of Columbia. (NRS 628.033, 628.315) Such a natural person is not required to obtain a certificate of certified public accountant or a permit to engage in the practice of public accounting from the Nevada State Board of Accountancy but is required to consent to certain specified conditions, including consent to the disciplinary authority of the Board. (NRS 628.315) Section 36.15 of this bill extends the authority of the Board to grant such practice privileges to a certified public accounting firm organized as a partnership, corporation or limited-liability company or a sole proprietorship which holds a valid registration in good standing from another state, territory or possession of the United States or the District of Columbia. Such a certified public accounting firm is not required to

register with the Board, but is required to consent to the same conditions as natural persons, such as consent to the disciplinary authority of the Board. Sections 36.1, 36.25-36.85 and 47.5 of this bill make conforming changes. Section 36.2 of this bill exempts certain entities whose sole business is preparing tax returns and related schedules from the requirement of registration.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner of Financial Institutions for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Under existing law, a person who wishes to obtain a license for an office or place of business located outside of this State is required, among other requirements, to have a license for an office or place of business located inside this State. (NRS 675.090) **Section 43.3** of this bill authorizes persons who make loans exclusively via the Internet, who are designated by **section 42.5** of this bill as “Internet lenders,” to apply for a license to engage in the business of lending for an office or place of business located outside of this State without having a license for an office or place of business located inside this State. **Section 43.7** of this bill exempts Internet lenders from provisions of existing law which prohibit persons from conducting the business of making loans in the same office or place of business as any other business. (NRS 675.230)

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

Sec. 2. *As used in sections 2 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Applicable regulator” means an official or agency of this State, as identified by the Director, responsible for regulating a financial product or service.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *“Consumer” means any person who purchases or otherwise enters into a transaction or agreement to receive a financial product or service.*

Sec. 5.5. *“Director” means the Director of the Department of Business and Industry.*

Sec. 6. *“Financial product or service” or “product or service” means any product, service, activity, business model, mechanism for delivery or element of any of these that:*

1. Includes an innovation; and

2. But for the provisions of sections 2 to 31, inclusive, of this act, is governed by the provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.

Sec. 7. *“Innovation” means any use of a new or emerging technology, or any novel use of an existing technology, to address a problem, provide a benefit or otherwise offer or provide a financial product or service that is determined by the Director not to be widely available in this State.*

Sec. 8. *“Participant” means a person whose application to participate in the Program has been approved by the Director pursuant to section 14 of this act.*

Sec. 9. *“Program” means the Regulatory Experimentation Program for Product Innovation established and administered by the Director pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 10. *“Test” means to offer or provide a financial product or service through the Program.*

Sec. 11. *In consultation with each applicable regulator, the Director shall establish and administer the Regulatory Experimentation Program for Product Innovation to enable a person to obtain limited access to markets in this State to test a financial product or service without:*

1. *Applying for or obtaining any license or other authorization otherwise required by any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto; or*

2. *Otherwise complying with any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 of this act.*

Sec. 12. 1. *A person who desires to participate in the Program to test a financial product or service must submit a written application in accordance with this section, in the form prescribed by the Director. A separate application must be filed for each product or service proposed for testing.*

2. *The application must show that the applicant will at all times during the test:*

(a) *Be subject to the exercise of personal jurisdiction by the courts of this State; and*

(b) *Establish and maintain a physical or virtual location that is reasonably accessible to the Director, from which testing will occur and at which all records, documents and data required by sections 2 to 31, inclusive, of this act will be maintained.*

3. *The application must include:*

(a) *A description of the product or service proposed for testing and an explanation of:*

(1) *The innovation included in the product or service;*

(2) *The regulatory scheme otherwise applicable to the product or service outside the Program;*

(3) *Any benefit of the product or service to consumers;*

(4) *Any risk of financial loss or other harm to consumers associated with the product or service;*

(5) *The nature or features of the product or service that distinguish it from any similar product or service available in this State; and*

(6) *The manner in which participation in the Program will facilitate a successful test of the product or service;*

(b) *A statement of the proposed plan for testing the product or service, including:*

(1) *An estimate of the dates or periods of time anticipated for entry into and exit from the relevant market in this State;*

(2) *Measures to protect consumers from financial loss or other harm caused by a failure of the test; and*

(3) *The plan to wind up and terminate the test;*

(c) *The full legal name, address, telephone number, electronic mail address and website address of the applicant and, if the applicant is not a natural person, each officer, director or other principal of the applicant;*

(d) *A description of any criminal conviction and any final administrative suspension, revocation or termination of a professional or occupational license of the applicant and any other person described in paragraph (c) if such a conviction or suspension, revocation or termination occurred in this State or another jurisdiction within the 5 years immediately preceding the date of the application;*

(e) *The consent of the applicant to the provisions for choice of law and provisions for the selection of a forum as prescribed by the Director; and*

(f) *Any other information deemed necessary by the Director.*

4. *The application must be submitted to the Director and be accompanied by a nonrefundable fee of not more than \$1,000. The Director shall account separately for the money received from fees collected pursuant to this section and use that money solely to pay the expenses of administering the Program.*

Sec. 13. 1. *The Director may refuse to consider any application submitted pursuant to section 12 of this act if the application does not include the information required by section 12 of this act or any other information deemed necessary by the Director. The applicant shall provide, within the period directed by the Director, any additional information required in connection with the application. If the required information is not provided, the application may be denied by the Director as incomplete.*

2. *Upon receipt of a completed application and payment of the required fee, the Director shall identify and consult with each applicable regulator having an interest in the subject of the application. The consultation is advisory only and not binding on the Director. The consultation may relate to any matter deemed by the Director to be relevant to the application, including, without limitation:*

(a) *Any license or other authorization previously issued by the applicable regulator, or the corresponding regulator in another jurisdiction, to the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act;*

(b) Any criminal, civil, administrative or other proceeding previously brought by or on behalf of the applicable regulator, or the corresponding regulator in any other jurisdiction, against the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act; and

(c) The ability of the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act to qualify for a license or other authorization from the applicable regulator upon the completion of testing.

3. Unless the Director and the applicant mutually agree to extend this period, the Director shall approve or deny an application within 90 days after the completed application is received.

Sec. 14. 1. Except as otherwise provided in this subsection, the Director may approve or deny any application or request submitted pursuant to sections 2 to 31, inclusive, of this act. The Director may not approve an application or request if provision of the relevant financial product or service to consumers in this State would exceed the applicable limitation provided by subsection 2 or 3 of section 16 of this act.

2. The Director shall give the applicant or participant written notice of the approval or denial of the application or request within 5 business days after the date of approval or denial.

3. The approval or denial of an application or request is final and not subject to administrative or judicial review.

Sec. 15. 1. If the Director approves an application to participate in the Program:

(a) The applicant shall be deemed a participant.

(b) The Director shall issue a registration number unique to the approval.

(c) Except as otherwise required by the Director pursuant to subsection 2, a product or service offered or provided within the scope of the Program is exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.

2. In addition to any other requirements or limitations of section 16 or 17 of this act that apply to a product or service, the Director may condition approval of an application upon compliance by the participant with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.

3. A notice of approval of an application given pursuant to section 14 of this act must be accompanied by a copy of the provisions of sections 2 to 31, inclusive, of this act and any applicable regulations of the Director then in effect, and set forth:

(a) The registration number applicable to the approval;

(b) The period of testing prescribed by section 25 of this act;

(c) The general limitations of section 16 of this act, any additional requirements or limitations applicable specifically to the product or service pursuant to section 17 of this act and any conditions imposed pursuant to subsection 2; and

(d) Any additional information required by the Director to be disclosed to consumers pursuant to subsection 2 of section 20 of this act.

Sec. 16. Any financial product or service provided within the scope of the Program is subject to the following requirements and limitations:

1. Any consumer of the product or service must be a resident of this State on the date that the product or service is first provided to the consumer.

2. Except as otherwise provided in subsection 3, not more than 5,000 consumers may be provided a given product or service by a participant during the period of testing.

3. If the Director approves a request for relief by a participant pursuant to section 19 of this act, not more than 7,500 consumers may be provided a given product or service by the participant during the period of testing.

Sec. 17. 1. Except as otherwise provided in subsection 2, in addition to complying with any other applicable requirements and limitations, a participant who is testing a financial product or service within the scope of the Program for which a license is otherwise required pursuant to chapter 671 of NRS shall not receive for transmission or transmit during the period of testing:

(a) More than \$2,500 in any single transaction for a consumer.

(b) More than \$25,000 in any series of transactions for a consumer.

2. If the Director approves a request for relief by a participant pursuant to section 19 of this act, the participant shall not receive for transmission or transmit during the period of testing:

(a) More than \$15,000 in any single transaction for a consumer.

(b) More than \$50,000 in any series of transactions for a consumer.

Sec. 18. (Deleted by amendment.)

Sec. 19. 1. At any time during the period of testing a financial product or service, a participant may submit to the Director a written request for relief from the limitations of subsection 2 of section 16 of this act or subsection 1 of section 17 of this act, or both, as they otherwise apply to the participant.

2. In accordance with any regulations adopted pursuant to section 30 of this act, the Director may:

(a) Approve a request for relief if the Director determines that the participant has adequate capitalization and satisfactory procedures and processes in place for the oversight of its operations and the management of risk.

(b) Rescind or modify at any time his or her approval of a request for relief.

3. The approval, denial, rescission or modification of approval of a request for relief is final and not subject to administrative or judicial review.

Sec. 20. 1. Before providing any financial product or service to a consumer, a participant shall disclose to the consumer:

(a) The name and contact information of the participant;

(b) The registration number applicable to the product or service, as issued by the Director pursuant to section 15 of this act;

(c) The fact that the product or service is generally exempt from any provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 of this act;

(d) If applicable, the fact that the participant is not the holder of a license or other authorization in this State to provide any product or service outside the scope of the Program;

(e) The fact that the participant has been approved to provide the product or service pursuant to sections 2 to 31, inclusive, of this act, but that the product or service is not endorsed or recommended by the Director or any governmental agency;

(f) The fact that the product or service is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end; and

(g) The fact that the consumer may submit a complaint to the Director relating to the product or service, with the telephone number and Internet address of the Internet website maintained by the Director pursuant to section 21 of this act.

2. The Director may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a product or service in addition to the disclosures required by subsection 1. The Director shall give written notice to the participant of any additional disclosures required pursuant to this subsection.

3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If a product or service is provided through an Internet website or mobile application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.

Sec. 21. The Director shall establish and maintain a toll-free telephone number and Internet website through which a consumer may submit a complaint relating to any financial product or service provided by a participant.

Sec. 22. 1. The Director may establish by regulation periodic reporting requirements for participants in the Program.

2. On request by the Director, a participant shall make any requested record, information or data available for inspection and copying by the Director.

3. Each participant shall retain, for not less than 2 years after the end of the prescribed period of testing or for such longer period as the Director requires by order or regulation, all records and data produced in the ordinary course of business relating to a financial product or service tested in the Program.

4. *If a product or service fails before the end of the period of testing, the participant shall:*

(a) *Give written notice of the failure to the Director.*

(b) *Include in the notice a description of any action taken by the participant to protect consumers from financial loss or other harm caused by the failure.*

5. *In addition to providing any other disclosure or notice of the unauthorized acquisition of computerized data required by any applicable statute or regulation, a participant shall promptly notify the Director of any unauthorized acquisition of computerized data constituting a breach of the security of the system data as that term is defined in NRS 603A.020.*

Sec. 23. 1. *Any record or information in a record submitted to or obtained by the Director or an applicable regulator pursuant to sections 2 to 31, inclusive, of this act:*

(a) *Except as otherwise provided in this section, is confidential and not a public book or record within the meaning of NRS 239.010.*

(b) *May be disclosed by the Director or an applicable regulator to:*

(1) *Any governmental agency or official; or*

(2) *A federal, state or county grand jury in response to a lawful subpoena.*

2. *Any disclosure pursuant to subsection 1 of a complaint relating to a financial product or service or the results of an examination, inquiry or investigation relating to a participant or product or service does not make the relevant record or information in a record a public record within the meaning of NRS 239.010, and a participant shall not disclose any such record or information to the general public except in connection with any disclosure required by law. A participant shall not disclose, use or refer to any comments, conclusions or results of an examination, inquiry or investigation in any communication to a consumer or potential consumer.*

3. *The Director and any applicable regulator are immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 31, inclusive, of this act.*

4. *Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.*

Sec. 24. *Any information, writing, signature, record or disclosure required by the provisions of sections 2 to 31, inclusive, of this act or any regulation adopted pursuant thereto, may:*

1. *Be obtained, recorded, provided or maintained by a participant in electronic form.*

2. *With the approval of the Director, be substituted by a participant with any substantially equivalent information, writing, signature, record or disclosure.*

Sec. 25. *Unless a timely request for an extension of the period of testing is made and approved pursuant to section 26 of this act:*

1. *The period of testing for a financial product or service ends 2 years after the date of the notice given pursuant to section 14 of this act.*

2. *Except as otherwise provided in this subsection, the participant shall, within 60 days after the end of the period of testing, wind down the test and cease offering or providing the product or service. If the product or service entails the performance of any ongoing duty or function, such as the servicing of a loan, the participant shall continue to perform or contract with another person for the continued performance of the duty or function.*

Sec. 26. 1. *A participant may request an extension of the period of testing to apply for any license or other authorization required for the financial product or service by any statute or regulation of this State. A participant who desires such an extension must submit a written request to the Director not less than 30 days before the end of the period of testing.*

2. *The Director shall:*

(a) *Approve or deny the requested extension before the end of the prescribed period of testing; and*

(b) *Give written notice of the approval or denial as provided in section 14 of this act.*

3. *Only one extension of the period of testing may be granted pursuant to this section. Any such extension must not exceed 1 year in duration.*

4. *A participant who obtains an extension shall report periodically to the Director, in writing, on the status of the efforts of the participant to obtain a license or other authorization. The first such report must be submitted within 90 days after the date of the notice described in subsection 2, and subsequent reports must be submitted at intervals of not more than 90 days until the application of the participant for a license or other authorization is finally approved or finally denied by the applicable regulator.*

Sec. 27. 1. *If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 31, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Director may:*

(a) *Request that the Attorney General bring an action in any court of competent jurisdiction to enjoin the violation;*

(b) *Remove the participant from the Program or order the participant to exit the Program; or*

(c) *Take any combination of those actions.*

2. *A removal of or compelled exit of a participant from the Program is final and not subject to administrative or judicial review.*

Sec. 28. 1. Nothing contained in sections 2 to 31, inclusive, of this act shall be deemed to prohibit a participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or authorization.

2. The Director may enter into an agreement with any governmental agency or official of any other jurisdiction to authorize:

(a) A participant to operate in such a jurisdiction; or

(b) A person who is authorized to operate in such a jurisdiction to be a participant.

Sec. 29. For the purposes of any federal statute or regulation requiring a participant to hold a license or other authorization from this State in connection with a financial product or service, a participant shall be deemed to hold such a license or other authorization.

Sec. 30. 1. The Director shall, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, adopt regulations that establish protections for consumers of financial products or services provided through the Program.

2. The Director may adopt such other regulations as he or she deems necessary to carry out the provisions of sections 2 to 31, inclusive, of this act.

Sec. 31. 1. On or before March 1 of each year, the Director of the Department of Business and Industry shall prepare and submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and status of the Program.

2. The report must include, for the immediately preceding calendar year:

(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;

(b) With respect to the applications that were denied, a description of the reasons for denial; and

(c) With respect to the applications that were approved:

(1) A description of each financial product or service provided by each participant in the Program;

(2) A statement of the number of participants providing each product or service; and

(3) An estimate of the number of consumers using each product or service.

3. The report may include any recommendations for legislation relating to the Program and any other information that the Director of the Department of Business and Industry deems relevant.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,

75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405,

633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 23 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 36. (Deleted by amendment.)

Sec. 36.1. **NRS 628.023 is hereby amended to read as follows:**

628.023 “Practice of public accounting” means the offering to perform or the performance by a holder of a live permit or a natural person **or certified public accounting firm** granted practice privileges pursuant to NRS 628.315, for a client or potential client, of one or more services involving the use of skills in accounting or auditing, one or more services relating to advising or consulting with clients on matters relating to management or the preparation of tax returns and the furnishing of advice on matters relating to taxes.

Sec. 36.15. **NRS 628.315 is hereby amended to read as follows:**

628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license **in good standing** as a certified public accountant **or a certified public accounting firm organized as a partnership, corporation or limited-liability company or a sole proprietorship which holds a valid registration in good standing** from any state other than this State shall be deemed to be a certified public accountant **or certified public accounting firm** for all purposes under the laws of this State other than this chapter.

2. A natural person **or certified public accounting firm** granted practice privileges pursuant to subsection 1 is not required to obtain ~~it~~, **as applicable:**

(a) A certificate pursuant to NRS 628.190; ~~or~~

(b) A permit pursuant to NRS 628.380 ~~it~~; **or**

(c) A registration pursuant to NRS 628.335.

3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited-liability company or sole proprietorship that employs such a **natural person or a certified public accounting firm granted practice privileges pursuant to subsection 1** shall be deemed to consent, as a condition of the grant of such practice privileges:

(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.

(b) To comply with the provisions of this chapter and the regulations of the Board.

(c) That, in the event that the license from the state wherein the ~~natural person's~~ principal place of business **of the natural person or certified public accounting firm** is located becomes invalid ~~if the~~ **or not in good standing:**

(1) The natural person will cease offering or engaging in the practice of professional public accounting in this State individually and on behalf of a partnership, corporation, limited-liability company or sole proprietorship. It;
or

(2) The certified public accounting firm will cease offering or engaging in the practice of public accounting in this State.

(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding **by the Board** relating to ~~the~~ :

~~(1) The natural person or the partnership, corporation, limited-liability company or sole proprietorship by the Board.~~

~~4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335. that employs the natural person; or~~

(2) The certified public accounting firm.

Sec. 36.2. NRS 628.335 is hereby amended to read as follows:

628.335 1. The Board shall grant or renew registration to a partnership, corporation, ~~or~~ **or** limited-liability company ~~for sole proprietorship~~ that demonstrates its qualifications therefor in accordance with this chapter.

2. ~~1.1~~ **Except as otherwise provided in subsection 3, a** partnership, corporation or limited-liability company with an office in this State shall register with the Board if the partnership, corporation or limited-liability company:

- (a) Performs attest services;
- (b) Performs compilation services;
- (c) Is engaged in the practice of public accounting; or
- (d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."

3. ~~1.2~~ **An entity that is organized as a** partnership, corporation, ~~or~~ **or** limited-liability company ~~for sole proprietorship that does not have an office in this State:~~

~~(a) Shall register with the Board if the partnership, corporation, limited liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~(b) May practice public accounting, may perform compilation services or other professional services within the practice of public accounting other than attest services for a client having his or her home office in this State, may be styled and known as a certified public accountant and may use the title or designation "certified public accountant" and the abbreviation "C.P.A." without registering with the Board if:~~

~~(1) Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited liability company or sole proprietorship;~~

~~(2) The partnership, corporation, limited liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;~~

~~(3) A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such~~

~~other professional services within the practice of public accounting for the client having his or her home office in this State; and~~

~~— (4) The partnership, corporation, limited liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in subparagraph (3) has his or her principal place of business.~~

~~4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:~~

~~— (a) Which a partnership, corporation, limited liability company or sole proprietorship is required to register pursuant to subsection 2 or 3; or~~

~~— (b) A partnership, corporation or limited liability company registered pursuant to the provisions of NRS 628.325. ***is not required to register with the Board pursuant to this section if:***~~

~~***(a) The entity is not styled or known as a firm of certified public accountants;***~~

~~***(b) The entity is not using the title or designation “certified public accountant” or the abbreviation “C.P.A.”; and***~~

~~***(c) The sole business of the entity is preparing tax returns or schedules in support of tax returns.***~~

Sec. 36.25. NRS 628.340 is hereby amended to read as follows:

628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 must meet the following requirements:

(a) At least one general partner must be ~~either~~ a certified public accountant of this State in good standing. ~~for, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of ~~professional~~ **public** accounting in this State, must be a certified public accountant of this State in good standing.

(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be ~~either~~ a certified public accountant of this State in good standing. ~~for, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.

(e) Each manager in charge of an office of the partnership in this State must be ~~either~~ a certified public accountant of this State in good standing. ~~for a natural person granted practice privileges pursuant to NRS 628.315.~~

(f) A corporation or limited-liability company which is registered pursuant to NRS 628.343 or 628.345 may be a partner, and a partnership which is

registered pursuant to this section may be a general partner, in a partnership engaged in the practice of public accounting.

2. Application for registration must be made upon the affidavit of ~~either~~ a general partner who holds a live permit to practice in this State as a certified public accountant, ~~for, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.

Sec. 36.3. NRS 628.343 is hereby amended to read as follows:

628.343 1. A corporation required to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.

(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of ~~some state~~ **this State** in good standing.

(c) At least one shareholder of the corporation must be ~~either~~ a certified public accountant of this State in good standing, ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be ~~either~~ a certified public accountant of this State in good standing, ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.

(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of ~~either~~ a shareholder who holds a live permit to practice in this State as a certified public accountant, ~~for, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted~~

~~practice privileges pursuant to NRS 628.315.~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words “certified public accountants” or the abbreviation “C.P.A.’s” or “CPA’s” in connection with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.

Sec. 36.35. NRS 628.345 is hereby amended to read as follows:

628.345 1. A limited-liability company required to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the limited-liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited-liability company may invest its money in a manner not incompatible with the practice of public accounting.

(b) The manager, if any, of the limited-liability company must be a certified public accountant of ~~some state~~ **this State** in good standing.

(c) At least one member of the limited-liability company must be ~~either~~ a certified public accountant of this State in good standing. ~~for, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

(d) Each person in charge of an office of the limited-liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be ~~either~~ a certified public accountant of this State in good standing. ~~for, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.~~

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited-liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member.

(f) The limited-liability company shall comply with other regulations pertaining to limited-liability companies practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of the manager or a member of the limited-liability company. The affiant must hold a live permit to practice in this State as a certified public accountant. ~~for, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, be a natural person granted practice privileges pursuant to NRS 628.315.~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words “certified public accountants” or the abbreviation

“C.P.A.’s” or “CPA’s” in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.

Sec. 36.4. NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 ~~for 628.335~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, certificate or registration or any natural person **or certified public accounting firm** granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified public accountant or a natural person **or certified public accounting firm** granted practice privileges pursuant to NRS 628.315.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.

(f) Conviction of any crime:

(1) An element of which is dishonesty or fraud; or

(2) Involving moral turpitude,

↪ under the laws of any state or jurisdiction.

(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant by any other state, for any cause, ~~other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.~~

(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate; or

(2) Sixty days after the date upon which the holder of a certificate was granted the certificate, if no permit was ever issued to the person, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate or permit of another person.

(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than \$5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit or certificate or any natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

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

Sec. 36.45. NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

Sec. 36.5. NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person **or certified public accounting firm** granted practice privileges pursuant to NRS 628.315.

Sec. 36.55. NRS 628.460 is hereby amended to read as follows:

628.460 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of certified public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~Performing services within the practice of public accounting.~~ **Granted practice privileges** pursuant to the provisions of ~~subsection 3 of~~ NRS ~~628.335.~~ **628.315.**

Sec. 36.6. NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation “public accountant” or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~Performing services within the practice of public accounting.~~ **Granted practice privileges** pursuant to ~~the provisions of subsection 3 of~~ NRS ~~628.335.~~ **628.315.**

Sec. 36.65. NRS 628.490 is hereby amended to read as follows:

628.490 1. Except as otherwise provided in subsection 2 and NRS 628.450 to 628.480, inclusive, a person, partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation “certified accountant,” or any other title or designation likely to be confused with “certified public accountant” or “public accountant,” or any of the abbreviations “C.A.” or “P.A.” or similar abbreviations likely to be confused with “C.P.A.”

2. ~~Anyone.~~ **Any person, partnership, corporation, limited-liability company or sole proprietorship** who:

(a) Holds a live permit pursuant to NRS 628.380 or is registered as a partnership, corporation, limited-liability company or sole proprietorship pursuant to the provisions of this chapter and all of whose offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

(b) Has been granted practice privileges pursuant to NRS 628.315. ~~or~~

~~(c) Is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.~~

↪ may hold himself or herself out to the public as an “accountant,” “auditor” or “certified public accountant.”

Sec. 36.7. NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that

he or she is an accountant or auditor, or that the partnership, corporation, limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370;

(b) The person is a natural person or certified public accounting firm granted practice privileges pursuant to NRS 628.315. ~~or~~

~~(c) The partnership, corporation, limited liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.~~

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

Sec. 36.75. NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~Performing services within the practice of public accounting~~ **Granted practice privileges** pursuant to ~~the provisions of subsection 3 of~~ NRS ~~628.335.~~ **628.315.**

Sec. 36.8. NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an “accountant” or “auditor” by use of either or both of those words in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 or ~~is performing services within the practice of public accounting~~ **has been granted practice privileges** pursuant to ~~the provisions of subsection 2 of~~ NRS ~~628.335~~ **628.315**.

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

Sec. 36.85. NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation “certified public accountant” or “public accountant” in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation “and Company” or “and Co.” or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335; or

(b) ~~Performing services within the practice of public accounting~~ **Granted practice privileges** pursuant to ~~the provisions of subsection 2 of~~ NRS ~~628.335~~ **628.315**.

2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

(a) The legal form of the firm;

(b) The persons who are partners, officers, shareholders or members; or

(c) Any other matter.

↪ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

Sec. 37. Chapter 645A of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of

this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 38. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or married couple, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

- (a) With or on behalf of an immediate family member of the person;
- (b) Secured by a dwelling that served as the person's residence; or
- (c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

- (a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;
- (b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;
- (c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;
- (d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;
- (e) Which does not profit from the sale of a dwelling to a borrower; and
- (f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

13. *Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 39. Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 40. Chapter 645G of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 41. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this title do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 42. Chapter 673 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation

Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 42.5. NRS 675.020 is hereby amended to read as follows:

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

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. ***"Internet lender" means a person who makes loans exclusively through the Internet.]***

6. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~6.7~~ 7. "Licensee" means a person to whom one or more licenses have been issued.

Sec. 43. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

12. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 43.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if ~~the applicant~~ :

(a) **The applicant is an Internet lender;** or

(b) **The applicant or** a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State. ~~and if the applicant submits~~

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

↪ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~4~~ 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. 43.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in ~~subsection~~ **subsections 2 and 3**, a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

- (1) Operate as separate legal entities;
- (2) Maintain separate accounts, books and records;
- (3) Are subsidiaries of the same parent corporation; and
- (4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

3. A licensee who is an Internet lender may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.

Sec. 44. NRS 676A.270 is hereby amended to read as follows:

676A.270 1. This chapter does not apply to an agreement with an individual who the provider has no reason to know resides in this State at the time of the agreement.

2. This chapter does not apply to a provider to the extent that the provider:

(a) Provides or agrees to provide debt-management, educational or counseling services to an individual who the provider has no reason to know resides in this State at the time the provider agrees to provide the services; or

(b) Receives no compensation for debt-management services from or on behalf of the individuals to whom it provides the services or from their creditors.

3. This chapter does not apply to the following persons or their employees when the person or the employee is engaged in the regular course of the person's business or profession:

(a) A judicial officer, a person acting under an order of a court or an administrative agency or an assignee for the benefit of creditors;

(b) A bank;

(c) An affiliate, as defined in paragraph (a) of subsection 2 of NRS 676A.030, of a bank if the affiliate is regulated by a federal or state banking regulatory authority; or

(d) A title insurer, escrow company or other person that provides bill-paying services if the provision of debt-management services is incidental to the bill-paying services.

4. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, this chapter does not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 45. Chapter 677 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 46. Chapter 678 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.

Sec. 47. 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. 47.5. NRS 628.017 is hereby repealed.

Sec. 48. This act becomes effective:

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

2. On January 1, 2020, for all other purposes.

TEXT OF REPEALED SECTION

628.017 “Home office” defined. “Home office” means the location specified by a client of an accountant as the address of an entity for which the accountant practices public accounting, performs an attestation or compilation or performs other professional services within the practice of public accounting.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 207.

Bill read second time.

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

Amendment No. 828.

SENATORS BROOKS, DENIS, CANNIZZARO; CANCELA, DONDERO LOOP, D. HARRIS, OHRENSCHALL, PARKS, RATTI, SCHEIBLE, SPEARMAN AND WOODHOUSE

JOINT SPONSORS: ASSEMBLYMEN CARRILLO, DURAN, MARTINEZ AND SMITH

AN ACT relating to apprentices; requiring a contractor or subcontractor to comply with certain requirements relating to the use of apprentices on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Apprenticeship Council and requires the Council to establish standards for programs of apprenticeship. (NRS 610.030, 610.090, 610.095) The purposes of such programs include, without limitation: (1) creating of the opportunity for persons to obtain training that will equip those persons to obtain profitable employment and citizenship; and (2) establishing an organized program for the voluntary training of those persons by providing facilities for training and guidance in the arts and crafts of industry and trade. (NRS 610.020) Existing law sets forth the requirements for a public body which sponsors or finances a public work to award a contract to a contractor for the construction of the public work. (Chapter 338 of NRS) Such requirements include, without limitation: (1) the payment of the prevailing wage in the county in which the public work is located; and (2) the establishment of certain fair employment practices for contractors in connection with the performance of work under the contract awarded by the public body. (NRS 338.020, 338.125)

Section ~~1.7~~ 1.7 of this bill requires a contractor or subcontractor engaged on a public work to employ one or more apprentices for a certain percentage of the total hours of labor performed on a public work, depending on the type of work performed. **Section ~~1.7~~ 1.7** authorizes the Labor Commissioner to adjust the percentage of total hours of labor required to be performed by an apprentice beginning on January 1, ~~2022~~ **2021**. **Section ~~1.7~~ 1.7** also authorizes the Labor Commissioner to grant a modification or waiver from the requirements if the Labor Commissioner finds that there is good cause to do so. **Section ~~1.7~~ 1.7** further requires that an apprentice who graduates from an apprenticeship program while employed on a public work be deemed: (1) an apprentice for certain purposes; and (2) a journeyman for certain other purposes, including, without limitation, the payment of wages. **Section 1.7 also requires a**

contractor or subcontractor to enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. The Legislature hereby finds and declares that:

1. A skilled workforce in construction is essential to the economic well-being of this State;

2. Apprenticeship programs are a proven method of training a skilled workforce in construction; and

3. Requiring the use of apprentices on the construction of public works will ensure the availability of a skilled workforce in construction in the future for this State.

Sec. 1.7. 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least ~~15~~ 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work ~~for~~ for which more than three workers are employed.

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least ~~5~~ 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work ~~for~~ for which more than three workers are employed.

3. On or after January 1, ~~2022,~~ 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to ~~modify~~ increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work ~~that is not an apprenticed~~ performed in a jurisdiction recognized by the State

Apprenticeship Council as not having apprentices in that craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 ~~for good cause.~~ A public body must submit such a request, ~~including, without limitation, any supporting documentation, within 15 days after~~ before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work ~~or after the public body has commenced work on the public work.~~ Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10.

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program ~~that~~ within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied ~~that~~ or the request has not been approved within 5 business days.

↳ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.

(e) “Journeyman” has the meaning ascribed to it in NRS 624.260.

(f) “State Apprenticeship Council” means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~that~~, **and section ~~that~~ 1.7 of this act.**

2. In addition to any other remedy or penalty provided in this chapter, if any person, including, without limitation, a public body, violates any provision of NRS 338.010 to 338.130, inclusive, **and section ~~that~~ 1.7 of this act**, or any regulation adopted pursuant thereto, the Labor Commissioner may, after providing the person with notice and an opportunity for a hearing, impose against the person an administrative penalty of not more than \$5,000 for each such violation.

3. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

4. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General may prosecute the person in accordance with law.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2020.

Sec. 8. This act becomes effective on January 1, 2020.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 230.

Bill read second time.

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

Amendment No. 898.

SENATOR DENIS

JOINT SPONSORS: ASSEMBLYMEN SPIEGEL, EDWARDS, HARDY, ROBERTS AND TOLLES

AN ACT relating to real estate; revising provisions relating to advertisements by real estate licensees; revising educational requirements which must be satisfied by an applicant for licensure as a real estate salesperson, real estate broker or real estate broker-salesperson; revising provisions governing the maintenance of certain licenses by real estate brokers and owner-developers; revising provisions governing certain regulations of the Real Estate Commission relating to the curriculum and subject matter of continuing education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for advertisements by persons who are licensed by the Real Estate Division of the Department of Business and Industry (NRS 645.315) **Section 1** of this bill: (1) requires a licensee to include his or her license number in any such advertisement; and (2) requires the Real Estate Commission to establish by regulation the conditions and limitations under which a licensee may advertise under a nickname.

Existing law sets forth certain educational requirements which must be satisfied by an applicant for licensure as a real estate salesperson, real estate broker or real estate broker-salesperson. (NRS 645.343) **Section 3.5** of this bill: (1) establishes a minimum number of total hours of instruction which must be included in a course of instruction for licensure as a real estate salesperson; and (2) requires an applicant for licensure as a real estate salesperson, real estate broker or real estate broker-salesperson to complete a minimum number of hours of instruction on agency and the preparation of contracts for real estate transactions. Under **section 6.5** of this bill, these requirements apply only to a person who submits an application for licensure to the Real Estate Division on or after ~~July 1, 2019,~~ **January 1, 2020.**

Existing law requires a real estate broker or owner-developer to prominently display in his or her place of business the licenses of all real estate broker-salespersons and real estate salespersons who are associated with the broker or employed by the owner-developer, as applicable. (NRS 645.530) **Section 4** of this bill eliminates that requirement and instead requires the licenses to be kept in a secure manner and, upon request, made available for inspection by the public and the Real Estate Division during usual business hours.

Existing law authorizes the Real Estate Commission to establish by regulation a postlicensing curriculum of continuing education which must be completed by a person within the first year immediately after initial licensing of the person. (NRS 645.575) **Section 5** of this bill ~~[- (1)]~~ requires the

Commission to adopt regulations which require a minimum of 36 hours of continuing education, set forth certain subject matter in continuing education which must be completed by certain licensees and provide for an exemption from such subject matter requirements for a person who is ~~70~~ **65** years of age or older and who has been licensed in good standing as a real estate broker, real estate broker-salesperson or real estate salesperson in this State for 30 years or more. ~~[(2) requires the postlicensing curriculum to be completed within the first year immediately after the initial license period rather than the first year immediately after initial licensing; (3) requires the regulations adopted by the Commission to establish the postlicensing curriculum to set forth the period within which each module of the postlicensing curriculum is required to be completed; and (4) authorizes the Commission to establish a different period within which each module of the postlicensing curriculum is required to be completed and authorizes such a period to be less than 1 year.]~~

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

Section 1. NRS 645.315 is hereby amended to read as follows:

645.315 1. In any advertisement through which a licensee offers to perform services for which a license is required pursuant to this chapter, the licensee shall ~~+~~ **include his or her license number and:**

(a) If the licensee is a real estate broker, disclose the name of any brokerage under which the licensee does business; or

(b) If the licensee is a real estate broker-salesperson or real estate salesperson, disclose the name of the brokerage with whom the licensee is associated.

2. If a licensee is a real estate broker-salesperson or real estate salesperson, the licensee shall not advertise solely under the licensee's own name when acting in the capacity as a broker-salesperson or salesperson. All such advertising must be done under the direct supervision of and in the name of the brokerage with whom the licensee is associated.

3. The Commission shall by regulation establish the conditions and limitations under which a licensee may advertise under a nickname.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. NRS 645.343 is hereby amended to read as follows:

645.343 1. In addition to the other requirements contained in this chapter, an applicant for an original real estate salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has successfully completed a course of instruction **which consists of not less than 120 hours of instruction** in the principles, practices, procedures, law and ethics of real estate, which course may be an extension or correspondence course offered by the Nevada System of Higher Education, by any other accredited college or university or by any other college or school approved by the Commission. The course of instruction must include ~~the~~ :

(a) *The* subject of disclosure of required information in real estate transactions, including instruction on methods a seller may use to obtain the required information ~~†~~;

(b) *Not less than 15 hours of instruction in the preparation of contracts in real estate transactions to the extent allowed in the capacity of a licensee; and*

(c) *Not less than 15 hours of instruction on agency.*

2. An applicant for an original real estate broker's or broker-salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has successfully completed : ~~45 semester units or the equivalent in quarter units of college level courses which include:~~

(a) Three semester units or an equivalent number of quarter units in real estate law, including at least 18 classroom hours of the real estate law of Nevada ~~and another course of equal length~~;

(b) *Three semester units or an equivalent number of quarter units* in the principles of real estate;

~~†(b)~~ (c) Nine semester units or the equivalent in quarter units of college level courses in real estate appraisal and business or economics;

~~†(c)~~ (d) Nine semester units or the equivalent in quarter units of college level courses in real estate, business or economics; ~~and~~

~~†(d)~~ (e) Three semester units or an equivalent number of quarter units in broker management ~~†~~;

(f) *Not less than one semester unit or an equivalent number of quarter units of instruction in the preparation of contracts in real estate transactions to the extent allowed in the capacity of a licensee; and*

(g) *Not less than one semester unit or an equivalent number of quarter units of instruction on agency.*

3. On and after January 1, 1986, in addition to other requirements contained in this chapter, an applicant for an original real estate broker's or broker-salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has completed 64 semester units or the equivalent in quarter units of college level courses. This educational requirement includes and is not in addition to the requirements listed in subsection 2.

4. For the purposes of this section, each person who holds a license as a real estate broker, broker-salesperson or salesperson, or an equivalent license, issued by a state or territory of the United States, or the District of Columbia, is entitled to receive credit for the equivalent of 16 semester units of college level courses for each 2 years of active experience that, during the immediately preceding 10 years, the person has obtained while he or she has held such a license, not to exceed 8 years of active experience. This credit may not be applied against the requirement in subsection 2 for three semester units or an equivalent number of quarter units in broker management or 18 classroom hours of the real estate law of Nevada.

5. An applicant for a broker's license pursuant to NRS 645.350 must meet the educational prerequisites applicable on the date his or her application is received by the Real Estate Division.

6. As used in this section, "college level courses" are courses offered by any accredited college or university or by any other institution which meet the standards of education established by the Commission. The Commission may adopt regulations setting forth standards of education which are equivalent to the college level courses outlined in this subsection. The regulations may take into account the standard of instructors, the scope and content of the instruction, hours of instruction and such other criteria as the Commission requires.

Sec. 4. NRS 645.530 is hereby amended to read as follows:

645.530 1. The license of each real estate broker-salesperson or salesperson must be delivered or mailed to the real estate broker with whom the licensee is associated or to the owner-developer by whom the licensee is employed and must be kept in the custody and control of the broker or owner-developer.

2. Each real estate broker shall:

(a) Display his or her license conspicuously in the broker's place of business. If a real estate broker maintains more than one place of business within the State, an additional license must be issued to the broker for each branch office so maintained by the broker, and the additional license must be displayed conspicuously in each branch office.

(b) ~~Prominently display~~ **Maintain** in his or her place of business the licenses of all real estate broker-salespersons and salespersons associated with him or her therein or in connection therewith. ***The licenses must be kept in a secure manner and, upon request, made available for inspection by the public and the Division during usual business hours.***

3. Each owner-developer shall ~~prominently display~~ **maintain** in his or her place of business the license of each real estate broker-salesperson and salesperson employed by him or her. ***The licenses must be kept in a secure manner and, upon request, made available for inspection by the public and the Division during usual business hours.***

Sec. 5. NRS 645.575 is hereby amended to read as follows:

645.575 1. The Commission shall adopt regulations that prescribe the standards for the continuing education of persons licensed pursuant to this chapter.

2. The standards adopted pursuant to subsection 1 must ~~permit~~ :

(a) ***Require a minimum of 36 hours of continuing education; and***

(b) ***Permit*** alternatives of subject material, taking cognizance of specialized areas of practice and alternatives in sources of programs considering availability in area and time. The standards must include, where qualified, generally accredited educational institutions, private vocational schools, educational programs and seminars of professional societies and organizations, other organized educational programs on technical subjects, or

equivalent offerings. The Commission shall qualify only those educational courses that it determines address the appropriate subject matter and are given by an accredited university or community college. Subject to the provisions of this section, the Commission has exclusive authority to determine what is an appropriate subject matter for qualification as a continuing education course.

3. In addition to any other standards for continuing education that the Commission adopts by regulation pursuant to this section, the Commission ~~may~~:

(a) *Shall, without limitation, adopt by regulation standards for continuing education that set forth certain mandatory subject matter which must be completed by every person who is licensed as a real estate broker, real estate broker-salesperson or real estate salesperson. Standards which are adopted pursuant to this section must authorize a person who is ~~70~~ 65 years of age or older to apply to the Division for an exemption from any requirement to complete continuing education other than the mandatory subject matter which is set forth in regulations adopted pursuant to this paragraph if the person has been licensed in good standing as a real estate broker, real estate broker-salesperson or real estate salesperson in this State for 30 years or longer at the time of his or her application for an exemption.*

(b) *May, without limitation, adopt by regulation standards for continuing education that:*

~~{(a)}~~ (1) Establish a postlicensing curriculum of continuing education which must be completed by a person within the first year immediately after the initial licensing of the person.

~~{(b) license period. The regulations adopted pursuant to this paragraph must set forth the period within which the person must complete each module of the postlicensing curriculum and may establish different periods within which each module of the postlicensing curriculum must be completed including, without limitation, a period of less than 1 year.}~~

(2) Require a person whose license as a real estate broker or real estate broker-salesperson has been placed on inactive status for any reason for 1 year or more or has been suspended or revoked to complete a course of instruction in broker management that is designed to fulfill the educational requirements for issuance of a license which are described in paragraph ~~{(d)}~~ (e) of subsection 2 of NRS 645.343, before the person's license is reissued or reinstated.

4. Except as otherwise provided in this subsection ~~{}~~ *and regulations adopted pursuant to paragraph (a) of subsection 3*, the license of a real estate broker, broker-salesperson or salesperson must not be renewed or reinstated unless the Administrator finds that the applicant for the renewal license or for reinstatement to active status has completed the continuing education required by this chapter. Any amendment or repeal of a regulation does not operate to prevent an applicant from complying with this section for the next licensing period following the amendment or repeal.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. The amendatory provisions of section 3.5 of this act apply only to an applicant who submits an application for licensure to the Real Estate Division of the Department of Business and Industry on or after ~~July 1, 2019.~~ **January 1, 2020.**

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Section 3.5 of this act becomes effective:

(a) Upon passage and approval for the purposes of performing any preparatory administrative tasks and adopting any regulations necessary to carry out the provisions of this act; and

(b) On January 1, 2020, for all other purposes.

3. Sections 1, 4, 5 and 6.5 of this act ~~becomes~~ become effective on July 1, 2019.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 242.

Bill read second time.

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

Amendment No. 847.

AN ACT relating to peace officers; requiring that a suspended peace officer must be granted back pay under certain circumstances; **defining “law enforcement agency” for certain purposes;** requiring that the questioning of a peace officer by a superior officer cease under certain circumstances; prohibiting the disclosure or use of a peace officer’s compelled statement in certain civil cases; limiting, with certain exceptions, the time in which a law enforcement agency may initiate an investigation into certain alleged misconduct of a peace officer; prohibiting, with limited exception, a law enforcement agency from reassigning a peace officer while he or she is under investigation; requiring, under certain circumstances, the dismissal of civil and administrative proceedings against a peace officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides certain rights to peace officers ~~[(NRS 289.010-289.120)]~~ **which are commonly known as the “Peace Officer Bill of Rights.” (NRS 289.020-289.120) This bill makes various changes relating to those rights.**

Section 1 of this bill provides if a peace officer is suspended **by a law enforcement agency** without pay pending the outcome of a criminal prosecution, the peace officer shall receive back pay if the case is dismissed or the peace officer is found not guilty and the officer is not subjected to punitive action by the law enforcement agency in connection with the misconduct allegations in question.

Section 2 of this bill requires the questioning of a peace officer by a superior officer to stop if the peace officer reasonably believes the questioning could result in punitive action and the peace officer requests representation. **Section 2** also prohibits the use of a peace officer's compelled statement in a civil case against the peace officer without his or her consent, with limited exceptions.

Existing law authorizes the investigation of a peace officer in response to a complaint or allegation that the peace officer engaged in activities which could result in punitive action. (NRS 289.057) **Section 4** of this bill prohibits a law enforcement agency from initiating such an investigation if the complaint or allegation is filed more than 1 year after the misconduct allegedly occurred unless the alleged misconduct is a crime punishable pursuant to state or federal law. **Section 4** further provides that a law enforcement agency may not reopen an investigation if the agency determines that no misconduct occurred unless the law enforcement agency discovers new material evidence. **Section 4** also prohibits, with limited exception, the reassignment of a peace officer without his or her consent if an investigation or hearing regarding alleged misconduct is pending.

Section 6 of this bill ~~provides any~~ **requires a law enforcement agency conducting an interview, interrogation or hearing related to an investigation of a peace officer to allow a representative ~~of~~ of the peace officer ~~elects to represent the officer during an interrogation or hearing regarding alleged misconduct must be allowed~~ to inspect ~~any~~ the following if related to the investigation and in the possession of the law enforcement agency: (1) physical evidence ~~the law enforcement agency has in its possession related to the investigation.~~; (2) audio recordings, photographs and video recordings; and (3) statements made by or attributable to the peace officer.**

Under existing law, evidence obtained in violation of the rights of peace officers is inadmissible. (NRS 289.085) **Section 7** of this bill provides instead that if evidence is obtained in violation of the rights of peace officers, the administrative proceeding or civil action filed against the peace officer must be dismissed.

Section 1.5 of this bill defines the term "law enforcement agency" for purposes of: (1) the Peace Officer Bill of Rights (NRS 289.020-289.120); (2) certain provisions of law relating to persons who possess some or all of the powers of peace officers (NRS 289.150-289.360); (3) certain provisions of law relating to advisory review boards (NRS 289.380-289.390); (4) certain provisions of law relating to certification and training of peace officers (NRS 289.450-289.650); and (5) certain provisions of law relating to the use of a choke hold by a peace officer (NRS 289.810).

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

If a law enforcement agency suspends a peace officer without pay pending the outcome of a criminal prosecution, the law enforcement agency shall award the peace officer back pay for the duration of the suspension if:

1. *The charges against the peace officer are dismissed;*
2. *The peace officer is found not guilty at trial; or*
3. *The peace officer is not subjected to punitive action in connection with the alleged misconduct.*

Sec. 1.5. NRS 289.010 is hereby amended to read as follows:

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

1. “Administrative file” means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. “Choke hold” means the holding of a person’s neck in a manner specifically intended to restrict the flow of oxygen or blood to the person’s lungs or brain. The term includes the arm-bar restraint, carotid restraint and lateral vascular neck restraint.

3. “Law enforcement agency” means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

4. “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~4.~~ 5. “Punitive action” means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

Sec. 2. NRS 289.020 is hereby amended to read as follows:

289.020 1. A law enforcement agency shall not use punitive action against a peace officer if the peace officer chooses to exercise the peace officer’s rights under any internal administrative grievance procedure.

2. If a peace officer is denied a promotion on grounds other than merit or other punitive action is used against the peace officer, a law enforcement agency shall provide the peace officer with an opportunity for a hearing.

3. *If a peace officer requests representation while being questioned by a superior officer on any matter that the peace officer reasonably believes could result in punitive action, the questioning must cease immediately and the peace officer must be allowed a reasonable opportunity to arrange for the presence and assistance of a representative before the questioning may resume.*

4. If a peace officer refuses to comply with ~~the request~~ *an order* by a superior officer to cooperate with the peace officer’s own or any other law enforcement agency in a criminal investigation, the agency may charge the peace officer with insubordination.

5. Except as otherwise provided in this subsection, any statement a peace officer is compelled to make pursuant to this chapter shall not be disclosed or used in a civil case against the peace officer without the consent of the peace officer. Such a statement may be used in an administrative hearing or civil case regarding the employment of the peace officer. In ~~such~~ a civil case, the court may review the statement in camera to determine whether the statement is inconsistent with the testimony of the peace officer and release any inconsistent statement to the opposing party for purposes of impeachment.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 289.057 is hereby amended to read as follows:

289.057 1. ~~At~~ **Except as otherwise provided in this subsection, an investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action. A law enforcement agency shall not conduct an investigation pursuant to this subsection if the activities of the peace officer occurred more than 1 year from the date of the filing of a complaint or allegation with the law enforcement agency unless the alleged misconduct would be a crime punishable pursuant to state or federal law.**

2. Except as otherwise provided in a collective bargaining agreement, a law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

(c) **If the law enforcement agency concludes that the peace officer did not violate a statute, policy, rule or regulation, the law enforcement agency shall not reopen the investigation unless the law enforcement agency discovers new material evidence related to the matter.**

4. ~~At~~ **Except as otherwise provided in subsection 5, a law enforcement agency shall not reassign a peace officer temporarily or permanently without**

his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending.

5. A law enforcement agency may reassign a peace officer temporarily or permanently without his or her consent during or pursuant to an investigation conducted pursuant to this section or when there is a hearing relating to such an investigation that is pending if the law enforcement agency finds, based on specific facts or circumstances, that reassignment of the peace officer is necessary to maintain the efficient operation of the law enforcement agency.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 289.080 is hereby amended to read as follows:

289.080 1. Except as otherwise provided in subsection ~~4.5~~ 5, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.

2. Except as otherwise provided in subsection ~~4.5~~ 5, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.

3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing.

4. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to ~~explain~~ :

(a) Inspect ~~and~~ the following if related to the investigation and in the possession of the law enforcement agency:

(1) Physical evidence ~~related to the investigation that is in the possession of the law enforcement agency, including, without limitation, audio~~ ;

(2) Audio recordings, photographs ~~and~~ and video recordings ; and ~~statements~~

(3) Statements made by or attributed to the peace officer.

(b) Explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.

~~4.5~~ 5. A representative must not otherwise be connected to, or the subject of, the same investigation.

~~15-1~~ 6. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.

~~16-1~~ 7. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:

- (a) Request of the peace officer; or
- (b) Lawful order of a court of competent jurisdiction.

↪ A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.

~~17-1~~ 8. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:

- (a) Stenographic transcript of the proceedings; or
- (b) Recording on the digital or magnetic tape.

~~18-1~~ 9. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.

Sec. 7. NRS 289.085 is hereby amended to read as follows:

289.085 If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of NRS 289.010 to 289.120, inclusive, and ~~that such evidence may be prejudicial to the peace officer, such evidence is inadmissible and~~ **section 1 of this act**, the arbitrator or court shall ~~exclude such evidence during any~~ **dismiss with prejudice the** administrative proceeding commenced or civil action filed against the peace officer.

Sec. 8. NRS 289.090 is hereby amended to read as follows:

289.090 The provisions of **subsections 2 ~~1, 3 and 4~~ to 5, inclusive, of** NRS 289.057 ~~1~~ **and** NRS 289.060, 289.070 and 289.080 do not apply to any investigation which concerns alleged criminal activities.

Sec. 8.5. NRS 617.357 is hereby amended to read as follows:

617.357 1. Each insurer shall submit to the Administrator a written report concerning each claim for compensation in which the claimant is a firefighter, police officer, arson investigator or emergency medical attendant that is filed with the insurer pursuant to NRS 617.453, 617.455, 617.457, 617.481, 617.485 or 617.487. The written report must be submitted to the Administrator within 30 days after the insurer accepts or denies the claim pursuant to NRS 617.356 and must include:

- (a) A statement specifying the nature of the claim;
- (b) A statement indicating whether the insurer accepted or denied the claim and the reasons for the acceptance or denial;
- (c) A statement indicating the estimated medical costs for the claim; and
- (d) Any other information required by the Administrator.

2. If a claim specified in subsection 1 is appealed or affirmed, modified or reversed on appeal, or is closed or reopened, the insurer shall notify the Administrator of that fact in writing within 30 days after the claim is appealed, affirmed, modified, reversed, closed or reopened.

3. On or before February 1 of each year, the Administrator shall prepare and make available to the general public a written report concerning claims specified in subsection 1. The written report must include:

- (a) The information submitted to the Administrator by an insurer pursuant to this section during the immediately preceding year; and
- (b) Any other information concerning those claims required by the Administrator.

4. As used in this section, the term “police officer” includes a peace officer as that term is defined in ~~subsection 3 of~~ NRS 289.010.

Sec. 9. (Deleted by amendment.)

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

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 345.

Bill read second time.

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

Amendment No. 758.

SENATOR SETTELMAYER

JOINT SPONSORS: ASSEMBLYMEN TITUS, WHEELER ~~(F)~~, **TOLLES;** AND ELLISON

AN ACT relating to estate distilleries; authorizing brew pubs and certain wineries to transfer certain malt beverages and wine in bulk to an estate distillery; **authorizing a wholesale dealer of liquor to make such a transfer;** authorizing an estate distillery to receive malt beverages and wine in bulk for the purpose of distillation and blending; revising when certain spirits that are received or transferred in bulk are subject to taxation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the operation of brew pubs, estate distilleries and wineries. (NRS 597.230, 597.237 and 597.240) Existing law requires an estate distillery to ensure that none of the spirits manufactured at the estate distillery

are derived from neutral or distilled spirits manufactured by another manufacturer. (NRS 597.237)

Section 2 of this bill ~~[removes the requirement that none of the spirits manufactured at an estate distillery be derived from neutral or distilled spirits manufactured by another manufacturer. Section 2 also]~~ authorizes an estate distillery to blend and distill wines and malt beverages, provided such wines and malt beverages are acquired from a licensed brew pub or winery in this State meeting certain requirements.

Sections ~~[1.5, 2, 2.3, 2.5 and 2.7]~~ **1.3-2.9** of this bill authorize an estate distillery to receive from a licensed **wholesale dealer of liquor**, brew pub or winery in this State meeting certain requirements, in bulk, wine or malt beverages for the purpose of distillation and blending. **Sections 1.5, 2.5 and 2.7-2.9 authorize such transfers to be made: (1) by a licensed wholesale dealer of liquor; or (2) directly by a licensed brew pub or winery to an estate distillery only if no licensed wholesale dealer of liquor is able or willing to make the transfer and a special permit for the transportation of the wine or malt beverages is obtained under existing law from the Department of Taxation.** Sections 1.5, 2, 2.3, 2.5 and 2.7 provide that wine and malt beverages so received **by an estate distillery** are taxable only when the wine or malt beverages are **distilled or blended, or both**, bottled in original packages for sale within this State and removed from the federally bonded premises of the estate distillery.

Existing law authorizes an estate distillery to transfer in bulk neutral or distilled spirits to a supplier. Existing law provides that any such transfer is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State. (NRS 597.237) **Section 2** provides that neutral or distilled spirits which are so received are taxable only when they are bottled in original packages for sale within this State and are removed from the federally bonded premises of the supplier.

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

Section 1. (Deleted by amendment.)

Sec. 1.3. NRS 597.150 is hereby amended to read as follows:

597.150 "Wholesaler" means any person, partnership, corporation or other form of business enterprise licensed by the Nevada Tax Commission to sell malt beverages, distilled spirits and wines, or all of them, as it is originally packaged to retail liquor stores or to another licensed wholesaler, **or to transfer malt beverages and wine to an estate distillery pursuant to NRS 597.230 and 597.240, respectively**, but not to sell to the consumer or general public.

Sec. 1.5. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

↪ A person who operates one or more brew pubs may not manufacture more than 40,000 barrels of malt beverages for all the brew pubs he or she operates in this State in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a “brew pub.”

3. Except as otherwise provided in subsection 4, a person who operates one or more brew pubs pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of one or more of the brew pubs and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer’s license or wholesale beer dealer’s license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and, for the purposes of the donation, transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(3) Transfer in bulk the malt beverages manufactured on the premises :

(I) To a person holding a valid wholesale wine and liquor dealer’s license or wholesale beer dealer’s license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the malt beverages to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the malt beverages pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 ~~and~~ and must be performed in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the

purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.

(c) Sell at retail, not for resale, malt beverages manufactured on or off the premises of one or more of the brew pubs for consumption on the premises.

(d) Sell at retail, not for resale, in packages sealed on the premises of one or more of the brew pubs, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

4. The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

Sec. 2. NRS 597.237 is hereby amended to read as follows:

597.237 1. A person may operate an estate distillery if the person:

- (a) Obtains a license for the facility pursuant to chapter 369 of NRS;
- (b) Complies with the requirements of this chapter; and
- (c) Complies with any other applicable governmental requirements.

2. A person who operates an estate distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the estate distillery shall ensure that none of the spirits manufactured at the estate distillery are derived from neutral or distilled spirits manufactured by another ~~manufacturer.~~ manufacturer, except as authorized by paragraph (b).

(b) ***Blend and distill wines or malt beverages, provided any such wine or malt beverage was manufactured by:***

(1) A brew pub licensed pursuant to NRS 597.230;

(2) A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015; or

(3) A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or after October 1, 2015, if 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State.

(c) Except as otherwise provided in paragraphs ~~((f) and (g))~~ ***(g) and (h)***, in any calendar year, sell and transport in Nevada not more than a combined total of 75,000 cases of spirits at the estate distillery to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

~~((e))~~ ***(d)*** In any calendar year, manufacture for exportation to another state, not more than a combined total of 400,000 cases of spirits at all the estate distilleries the person operates.

~~[(d)]~~ (e) On the premises of the estate distillery, serve samples of the spirits manufactured at the estate distillery. Any such samples must not exceed, per person, per day, 4 fluid ounces in volume.

~~[(e)]~~ (f) On the premises of the estate distillery, sell the spirits manufactured at the estate distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. The total amount of such spirits sold at retail for off-premises consumption must not exceed 7,500 cases per year. Spirits purchased on the premises of an estate distillery must not be resold by the purchaser or any retail liquor store. A person who operates an estate distillery shall prominently display on the premises a notice that the resale of spirits purchased on the premises is prohibited.

~~[(f)]~~ (g) Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the estate distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

~~[(g)]~~ (h) Transfer in bulk neutral or distilled spirits manufactured at the estate distillery to a supplier. Any such transfer:

(1) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State ~~[(h)]~~ **and removed from the federally bonded premises of the supplier;** and

(2) Is not a sale for the purposes of paragraph ~~[(b)]~~ (c) or manufacturing for exportation for the purposes of paragraph ~~[(e)]~~ (d).

(i) Subject to the provisions of subsection 3, receive wine or malt beverages in bulk from a person described in subparagraph (1), (2) or (3) of paragraph (b), or from a wholesale dealer of alcoholic beverages who is licensed under chapter 369 of NRS and who is transferring such wine or malt beverages pursuant to NRS 597.230 or 597.240, for the purpose of distillation and blending. Wine and malt beverages so received are taxable only when the wine and malt beverages are:

(1) Distilled, blended or both, and bottled in original packages for sale within this State; and

(2) Removed from the federally bonded premises of the estate distillery.

3. A person who operates an estate distillery shall not receive a shipment of wine or malt beverages:

(a) Unless the person first notifies the Department of Taxation that the distillery will receive such a shipment; and

(b) Except as authorized by paragraph (i) of subsection 2.

4. Spirits manufactured by an estate distillery pursuant to this section may be sold in this State only after bottling in original packages.

Sec. 2.3. NRS 597.237 is hereby amended to read as follows:

597.237 1. A person may operate an estate distillery if the person:

(a) Obtains a license for the facility pursuant to chapter 369 of NRS;

- (b) Complies with the requirements of this chapter; and
- (c) Complies with any other applicable governmental requirements.

2. A person who operates an estate distillery pursuant to this section may:

(a) In addition to manufacturing spirits from agricultural raw materials through distillation, blend, age, store and bottle the spirits so manufactured. The person operating the estate distillery shall ensure that none of the spirits manufactured at the estate distillery are derived from neutral or distilled spirits manufactured by another ~~manufacturer.~~ **manufacturer, except as authorized by paragraph (b).**

(b) **Blend and distill wines or malt beverages, provided any such wine or malt beverage was manufactured by:**

(1) A brew pub licensed pursuant to NRS 597.230;

(2) A winery that has been issued a wine-maker's license pursuant to NRS 369.200 if 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State.

(c) Except as otherwise provided in paragraphs ~~((f) and (g))~~ **(g) and (h)**, in any calendar year, sell and transport in Nevada not more than a combined total of 75,000 cases of spirits at the estate distillery to a person who holds a license to engage in business as a wholesale dealer of liquor pursuant to chapter 369 of NRS.

~~((e))~~ **(d)** In any calendar year, manufacture for exportation to another state, not more than a combined total of 400,000 cases of spirits at all the estate distilleries the person operates.

~~((d))~~ **(e)** On the premises of the estate distillery, serve samples of the spirits manufactured at the estate distillery. Any such samples must not exceed, per person, per day, 4 fluid ounces in volume.

~~((e))~~ **(f)** On the premises of the estate distillery, sell the spirits manufactured at the estate distillery at retail for consumption on or off the premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per month, 1 case of spirits and not exceed, per person, per year, 6 cases of spirits. The total amount of such spirits sold at retail for off-premises consumption must not exceed 7,500 cases per year. Spirits purchased on the premises of an estate distillery must not be resold by the purchaser or any retail liquor store. A person who operates an estate distillery shall prominently display on the premises a notice that the resale of spirits purchased on the premises is prohibited.

~~((f))~~ **(g)** Donate for charitable or nonprofit purposes and transport neutral or distilled spirits manufactured at the estate distillery in accordance with the terms and conditions of a special permit for the transportation of the neutral or distilled spirits obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

~~((g))~~ **(h)** Transfer in bulk neutral or distilled spirits manufactured at the estate distillery to a supplier. Any such transfer:

(1) Is taxable only when the neutral or distilled spirits are rectified and bottled in original packages for sale within this State ~~and removed from the federally bonded premises of the supplier;~~ and

(2) Is not a sale for the purposes of paragraph ~~(b)~~ (c) or manufacturing for exportation for the purposes of paragraph ~~(e)~~ (d).

(i) Subject to the provisions of subsection 3, receive wine or malt beverages in bulk from a person described in subparagraph (1) or (2) of paragraph (b), or from a wholesale dealer of alcoholic beverages who is licensed under chapter 369 of NRS and who is transferring such wine or malt beverages pursuant to NRS 597.230 or 597.240, for the purpose of distillation and blending. Wine and malt beverages so received are taxable only when the wine and malt beverages are:

(1) Distilled, blended or both, and bottled in original packages for sale within this State; and

(2) Removed from the federally bonded premises of the estate distillery.

3. A person who operates an estate distillery shall not receive a shipment of wine or malt beverages:

(a) Unless the person first notifies the Department of Taxation that the distillery will receive such a shipment; and

(b) Except as authorized by paragraph (i) of subsection 2.

4. Spirits manufactured by an estate distillery pursuant to this section may be sold in this State only after bottling in original packages.

Sec. 2.5. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury, including, without limitation, an alternating proprietorship of not more than four such wineries, and that has been issued a wine-maker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

(c) Transfer in bulk wine produced, blended or aged by the winery :

(1) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of

distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(2) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to subparagraph (1), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 ~~and~~ and must be performed in accordance with the terms and conditions of a special permit for the transportation of the wine obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

3. A winery that is issued a wine-maker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may ~~sell~~:

(1) Sell at retail or serve by the glass, on its premises, wine produced, blended or aged by the winery.

(2) Transfer in bulk wine produced, blended or aged by the winery :

(I) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 2.7. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury, including, without limitation, an alternating proprietorship of not more than four such wineries, and that has been issued a wine-maker's license pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Within the limits prescribed by subsection 3, sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

3. A winery that is issued a wine-maker's license pursuant to NRS 369.200:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may ~~sell~~:

(1) *Sell* at retail or serve by the glass, on its premises and, if applicable, at one other location, wine produced, blended or aged by the winery.

(2) *Transfer in bulk wine produced, blended or aged by the winery* :

(I) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown in this State, may sell at retail or serve by the glass, on its premises and, if applicable, at one other location, not more than 1,000 cases of wine produced, blended or aged by the winery per calendar year.

4. The owner or operator of a winery shall not:

(a) Except as otherwise provided in paragraph (b) of subsection 2, sell alcoholic beverages on the premises of the winery other than wine produced, blended or aged by the winery.

(b) Produce, blend or age wine at any location other than on the premises of the winery.

5. The State Board of Agriculture may adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery.

6. For the purposes of this section, an instructional wine-making facility is not a winery.

Sec. 2.8. NRS 369.130 is hereby amended to read as follows:

369.130 As used in this chapter, “wholesale dealer” or “wholesaler” means a person licensed to sell liquor as it is originally packaged to retail liquor stores or to another licensed wholesaler, **or to transfer malt beverages and wine to an estate distillery pursuant to NRS 597.230 and 597.240, respectively**, but not to sell to the consumer or general public.

Sec. 2.9. NRS 369.470 is hereby amended to read as follows:

369.470 Wholesale dealers’ licenses shall permit the holders thereof to sell liquor to wholesalers, retailers and those instrumentalities of the Armed Forces of the United States specified in NRS 369.335 only anywhere in Nevada ~~and~~ **or to transfer malt beverages and wine to an estate distillery pursuant to NRS 597.230 and 597.240, respectively**. Sale by a wholesaler to itself as a retailer is not the transaction of a bona fide wholesale business.

Sec. 3. 1. This section and sections ~~1.3, 1.5, 2, and 2.5~~ **2.8 and 2.9** of this act become effective on July 1, 2019.

2. Sections 2.3 and 2.7 of this act become effective on October 1, 2025.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 355.

Bill read second time.

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

Amendment No. 759.

SUMMARY—Revises provisions relating to ~~to certain regulatory bodies which administer occupational licensing~~ **Oriental medicine**. (BDR 54-856)

AN ACT relating to ~~regulatory bodies; revising provisions governing the scope of practice of physical therapists relating to the use of the technique of dry needling~~ **Oriental medicine**; revising provisions governing the duties and powers of the State Board of Oriental Medicine; revising provisions governing the **scope of practice and** licensing of doctors of Oriental medicine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the licensure and regulation of ~~physical therapists and~~ doctors of Oriental medicine. ~~(Chapters 634A and 640 of NRS)~~ ~~Existing law defines the scope of practice of physical therapy and restricts persons licensed to practice physical therapy from practicing other forms of healing. (NRS 640.024, 640.190)~~ **Section 3** of this bill provides that the practice of Oriental medicine specifically includes dry needling as well as moxibustion, ~~and cupping. Section 12 of this bill includes within the practice of physical therapy the use of the technique of dry needling, which is defined in section 11.5 of this bill. Section 12.5 of this bill requires the Nevada Physical Therapy Board to prescribe by regulation the scope of the use of the technique of dry needling by a physical therapist and requires that the regulations establish requirements for training that a physical therapist must successfully complete to administer treatment through the use of the technique of dry needling. Section 2.5 of this bill provides that a person is not practicing the healing art of Oriental medicine if the person is authorized to practice another healing art and is practicing within the scope of that authority, such as if a physical therapist is administering treatment through the technique of dry needling within the scope authorized pursuant to the regulations adopted by the Nevada Physical Therapy Board.~~

Section 2 of this bill authorizes the State Board of Oriental Medicine to issue an endorsement to practice acupuncture point injection therapy to a doctor of Oriental medicine who meets certain requirements. **Section 14.5 of this bill eliminates the requirement in existing law that an applicant for the issuance or renewal of a license to practice Oriental medicine attest to knowledge of and compliance with certain guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. (NRS 634A.144)**

Section 5 of this bill eliminates the authority of the Board in existing law to fix and pay a salary to the Secretary-Treasurer. (NRS 634A.060) **Section 6** of this bill eliminates the requirement in existing law that the Board establish and maintain a list of accredited schools and colleges of Oriental medicine. (NRS 634A.080)

Existing law authorizes the establishment and maintenance of a school or college of Oriental medicine in this State if its establishment and curriculum is approved by the Board. (NRS 634A.090) **Section 7** of this bill: (1) eliminates the requirement that the Board annually approve the curriculum; and (2) requires that the school or college be accredited by or have received at least candidacy status for accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization and hold a current license issued by the Commission on Postsecondary Education. **Section 4** of this bill makes a conforming change.

Existing law requires an applicant for a license to practice as a doctor of Oriental medicine to: (1) pass a national examination in Oriental medicine

administered by a national organization approved by the Board and a practical examination approved by the Board that tests certain subject areas; and (2) meet certain educational and other requirements. (NRS 634A.120, 634A.140) **Section 8** of this bill requires such an applicant to pass each examination required and administered by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization for certification in Oriental medicine. Additionally, **section 8** eliminates several subjects on the examination approved by the Board. For issuance of a license, **section 9** of this bill: (1) revises the educational requirements; (2) requires applicants to hold a current certification in Oriental medicine issued by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization; and (3) authorizes the counting of certain work experience in lieu of educational experience for applicants who attended a school or college of Oriental medicine before January 1, 2008.

Sections 10 and 11 of this bill consolidate the requirements relating to the renewal of a license.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A doctor of Oriental medicine licensed pursuant to this chapter may apply to the Board for an endorsement to practice acupuncture point injection therapy. The applicant must submit with his or her application proof that the applicant has:

(a) Successfully completed postgraduate coursework approved by the National Certification Commission for Acupuncture and Oriental Medicine or a successor organization which provides at least 24 hours of instruction provided in person, including, without limitation, at least 8 hours of instruction received by practicum and 2 hours of training in the administration of intramuscular epinephrine; and

(b) Obtained or otherwise carries a policy of professional liability insurance which insures the applicant against any liability arising from the provision of acupuncture point injection therapy by the applicant.

2. The Board shall issue an endorsement to practice acupuncture point injection therapy to an applicant who meets the requirements of subsection 1.

3. A licensee who is issued an endorsement to practice acupuncture point injection therapy may only inject substances for which the licensee has received training which may include, without limitation, nutritional, homeopathic and herbal substances.

4. As used in this section, "acupuncture point injection therapy" means the subcutaneous, intramuscular and intradermal injection of substances to

stimulate acupuncture points, ashi points and trigger points to relieve pain and prevent illness.

Sec. 3. NRS 634A.020 is hereby amended to read as follows:

634A.020 As used in this chapter, unless the context otherwise requires:

1. “Acupuncture” means the insertion of needles into the human body by piercing the skin of the body to control ~~it~~ and regulate ~~it~~ the flow and balance of energy in the body and to cure, relieve or palliate ~~it~~ the body for therapeutic purposes, including, without limitation:

(a) Any ailment or disease of the mind or body; or

(b) Any wound, bodily injury or deformity ~~;~~ ~~or~~

~~(c) The flow and balance of energy in the body.~~

2. “Board” means the State Board of Oriental Medicine.

3. “Doctor of Oriental medicine” means a person who is licensed under the provisions of this chapter to practice as a doctor of Oriental medicine.

4. “*Dry needling*”:

(a) *Means an advanced needling skill or technique limited to the treatment of myofascial pain, using a single-use, single-insertion, sterile needle without the use of heat, cold or any other added modality or medication, which is inserted into the skin or underlying tissue to stimulate a trigger point.*

(b) *Does not include:*

(1) *The stimulation of an auricular point;*

(2) *Utilization of a distal point or nonlocal point;*

(3) *Needle retention;*

(4) *Application of a retained electrical stimulation lead; or*

(5) *The teaching or application of other acupuncture theory.*

5. “Herbal medicine” and “practice of herbal medicine” mean suggesting, recommending, prescribing or directing the use of herbs for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, bodily injury or deformity.

~~§~~ 6. “Herbs” means ~~plants or parts of plants valued for medicinal qualities;~~

~~6~~ *any plant or part of a plant which is not prohibited by the laws of the United States or this State and is used in tests or examinations in the practice of Oriental medicine.*

7. “Oriental medicine” means ~~that~~ *a system of the healing art which places the chief emphasis on the flow and balance of energy in the body mechanism as being the most important single factor in maintaining the well-being of the organism in health and disease. The term includes, without limitation, the practice of acupuncture, and herbal medicine, moxibustion, cupping, dry needling and other services approved by the Board.*

Sec. 3.5. NRS 634A.025 is hereby amended to read as follows:

~~634A.025~~ 1. This chapter does not apply to Oriental physicians who are:

~~(a) Called into this State for consultation; or~~

~~—(b) Temporarily exempt from licensure pursuant to NRS 634A.163 and are practicing Oriental medicine within the scope of the exemption.~~

~~—2. This chapter does not apply to a practitioner of acupuncture:~~

~~—(a) Who is employed by an accredited school of Oriental medicine located in this State;~~

~~—(b) Who is licensed to practice acupuncture in another state or jurisdiction; and~~

~~—(c) Whose practice of acupuncture in this State:~~

~~—(1) Is limited to teaching, supervising or demonstrating the methods and practices of acupuncture to students in a clinical setting; and~~

~~—(2) Does not involve the acceptance of payment from any patient for services relating to his or her practice of acupuncture.~~

~~—3. This chapter does not apply to [a]:~~

~~—(a) A physician who is licensed pursuant to chapter 630 or 633 of NRS;~~

~~—(b) Any other person authorized to practice any other healing art under this title who does so within the scope of that authority.~~

~~—4. This chapter does not prohibit:~~

~~—(a) Gratuitous services of druggists or other persons in cases of emergency;~~

~~—(b) The domestic administration of family remedies;~~

~~—(c) Any person from assisting any person in the practice of the healing arts licensed under this chapter, except that such person may not insert needles into the skin or prescribe herbal medicine.~~

~~—5. For the purposes of this section, “accredited school of Oriental medicine” means a school that has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine, or its successor organization.} **(Deleted by amendment.)**~~

Sec. 4. NRS 634A.040 is hereby amended to read as follows:

634A.040 1. The Governor shall appoint four members to the Board who:

(a) Have a license issued pursuant to this chapter;

(b) Currently engage in the practice of Oriental medicine in this State, and have engaged in the practice of Oriental medicine in this State for at least 3 years preceding appointment to the Board;

(c) Are citizens of the United States; and

(d) Are residents of the State of Nevada and have been for at least 1 year preceding appointment to the Board.

2. The Governor shall appoint one member to the Board who:

(a) Is licensed pursuant to chapter 630 of NRS by the Board of Medical Examiners as a physician;

(b) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(c) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(d) Is a citizen of the United States; and

(e) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

3. The Governor shall appoint one member to the Board who:

(a) Does not engage in the administration of a facility for Oriental medicine or a school for Oriental medicine;

(b) Does not have a pecuniary interest in any matter pertaining to Oriental medicine, except as a patient or potential patient;

(c) Is a citizen of the United States; and

(d) Is a resident of the State of Nevada and has been for at least 1 year preceding appointment to the Board.

4. The Governor shall appoint one member to the Board who represents a school or college of Oriental medicine ~~whose establishment has been approved by the Board~~ **established** pursuant to NRS 634A.090.

Sec. 5. NRS 634A.060 is hereby amended to read as follows:

634A.060 The Board shall annually elect from its members a President, Vice President and Secretary-Treasurer. ~~It may fix and pay a salary to the Secretary-Treasurer.~~

Sec. 6. NRS 634A.080 is hereby amended to read as follows:

634A.080 The Board shall:

1. Hold meetings at least once a year and at any other time at the request of the President or the majority of the members;

2. Have and use a common seal;

3. Deposit in interest-bearing accounts in the State of Nevada all money received under the provisions of this chapter, which must be used to defray the expenses of the Board;

4. ~~Establish and maintain a list of accredited schools and colleges of Oriental medicine that are approved by the Board;~~

~~5.~~ Operate on the basis of the fiscal year beginning July 1 and ending June 30; and

~~6.~~ 5. Keep a record of its proceedings which must be open to the public at all times and which must contain the name and business address of every registered licensee in this State.

Sec. 7. NRS 634A.090 is hereby amended to read as follows:

634A.090 1. A school or college of Oriental medicine may be established and maintained in this State only if:

(a) Its establishment is approved by the Board; ~~and~~

(b) ~~Its curriculum is approved annually by the Board for content and quality of instruction in accordance with the requirements of this chapter.~~ **It is accredited by or has received at least candidacy status for institutional accreditation from the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization; and**

(c) **It holds a current license issued by the Commission on Postsecondary Education.**

2. The Board may prescribe the course of study required for the degree of doctor of Oriental medicine.

Sec. 8. NRS 634A.120 is hereby amended to read as follows:

634A.120 1. Each applicant for a license to practice as a doctor of Oriental medicine must pass:

(a) ~~{An examination in Oriental medicine that is administered by a national organization approved by the Board;}~~ ***Each examination required and administered by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization for certification in Oriental medicine;*** and

(b) ~~{A practical}~~ ***An*** examination approved by the Board that tests the applicant's knowledge and understanding of ~~{~~

~~—(1) Basic medical science;~~

~~—(2) Acupuncture;~~

~~—(3) Herbal medicine;~~

~~—(4) Oriental medicine;~~

~~—(5) English proficiency; and~~

~~—(6) The}~~ ***the*** laws and regulations of this State relating to health and safety in the practice of Oriental medicine.

2. The Board may establish by regulation ~~{}~~ ***for the examination required by paragraph (b) of subsection 1:***

(a) Additional subject areas to be included in the ~~{practical}~~ examination; and

(b) Specific methods for the administration of the ~~{practical}~~ examination, including, but not limited to, written, oral, demonstrative, practical or any combination thereof.

3. The Board shall contract for the preparation, administration and grading of the ~~{practical}~~ examination ~~{}~~ ***required by paragraph (b) of subsection 1.***

4. Except as otherwise provided in subsection 5, the Board shall offer the ~~{practical}~~ examination ***required by paragraph (b) of subsection 1*** at least two times each year at a time and place established by the Board.

5. The Board may cancel a scheduled ~~{practical}~~ examination ***required by paragraph (b) of subsection 1*** if, within 60 days before the examination, the Board has not received a request to take the examination.

6. A person who fails the ~~{practical}~~ examination ***required by paragraph (b) of subsection 1*** may retake the examination.

Sec. 9. NRS 634A.140 is hereby amended to read as follows:

634A.140 1. The Board shall issue a license to practice as a doctor of Oriental medicine to an applicant who:

~~{}~~ (a) Has:

~~{(a)}~~ (1) Successfully completed an accredited 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine ***accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization that is approved}*** ~~{}~~ ***meets any requirements prescribed by the Board {} pursuant to NRS 634A.090, including, without limitation, requirements concerning clinical and didactic components;***

~~[(b)]~~ (2) Earned a bachelor's degree, *or completed a combined bachelor's and master's degree program in Oriental medicine*, from an accredited college or university in the United States;

~~[(e)]~~ (3) Passed an investigation of his or her background and personal history conducted by the Board; and

~~[(d)]~~ (4) Passed the examinations required by NRS 634A.120; ~~[(e)]~~ *and*

(b) Holds a current certification in Oriental medicine issued by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

2. *Except as otherwise provided in subsection 3, the Board may issue a license to practice as a doctor of Oriental medicine to an applicant who:*

(a) Has:

~~[(a)]~~ (1) Successfully completed a 4-year program of study, or its equivalent, in Oriental medicine at a school or college of Oriental medicine that is approved by the Board ~~[(b)]~~

~~[(b)]~~ *and meets any requirements prescribed by the Board pursuant to NRS 634A.090, including, without limitation, requirements concerning clinical and didactic components;*

(2) Lawfully practiced Oriental medicine in another state or foreign country for at least 4 years;

~~[(e)]~~ (3) Passed an investigation of his or her background and personal history conducted by the Board; and

~~[(d)]~~ (4) Passed the examinations required by NRS 634A.120 ~~[(e)]~~; *and*

(b) Holds a current certification in Oriental medicine issued by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

3. *The Board may issue a license to practice as a doctor of Oriental medicine to an applicant who:*

(a) Has:

(1) *Successfully completed a program in Oriental medicine from a school or college of Oriental medicine accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or its successor organization before January 1, 2008, that included the study of herbology;*

(2) *Practiced Oriental medicine pursuant to the laws of another state or territory of the United States, the District of Columbia, or foreign country for at least 6 of the 8 years immediately preceding the date of the application;*

(3) *Passed an investigation of his or her background and personal history conducted by the Board; and*

(4) *Passed the examinations required by NRS 634A.120; and*

(b) Holds a current certification in Oriental medicine issued by the National Certification Commission for Acupuncture and Oriental Medicine or its successor organization.

Sec. 10. NRS 634A.160 is hereby amended to read as follows:

634A.160 ~~[(1)]~~ Every license must be displayed in the office, place of business or place of employment of the holder thereof.

~~{2. Every person holding a license shall pay to the Board on or before February 1 of each year, the annual fee for a license required pursuant to subsection 4. The holder of a license shall submit with the fee all information required to complete the renewal of the license. If the holder of a license fails to pay the fee or submit all required information, the license must be suspended. The license may be reinstated by payment of the required fee and submission of all required information within 90 days after February 1.~~

~~—3. A license which is suspended for more than 3 months under the provisions of subsection 2 may be cancelled by the Board after 30 days' notice to the holder of the license.~~

~~—4. The annual fee for a license must be prescribed annually by the Board and must not exceed \$1,000.~~

Sec. 11. NRS 634A.167 is hereby amended to read as follows:

634A.167 1. To renew a license issued pursuant to this chapter, each person must, on or before February 1 of each year:

(a) Apply to the Board for renewal;

(b) Pay the annual fee for a license prescribed by the Board ~~{;}~~, **which must not exceed \$1,000;**

(c) Submit evidence to the Board of completion of the requirements for continuing education; and

(d) Submit all information required to complete the renewal.

2. The Board shall, as a prerequisite for the renewal or reinstatement of a license, require each holder of a license to comply with the requirements for continuing education adopted by the Board.

3. If the holder of a license fails to pay the fee or submit all required information by February 1 of each year, the license expires automatically. The license may be reinstated by payment of the required fee and submission of all required information within 90 days after the expiration of the license pursuant to this subsection.

Sec. 11.5. ~~{Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~—“Dry needling” means a skilled technique performed by a physical therapist using filiform needles to penetrate the skin or underlying tissue to effect change in body structures and functions for the evaluation and management of neuromusculoskeletal conditions, pain, movement, impairment and disability.~~ **(Deleted by amendment.)**

Sec. 11.7. ~~{NRS 640.011 is hereby amended to read as follows:~~

~~—640.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 640.013 to 640.026, inclusive, and section 11.5 of this act have the meanings ascribed to them in those sections.~~ **(Deleted by amendment.)**

Sec. 12. ~~{NRS 640.024 is hereby amended to read as follows:~~

~~—640.024 “Practice of physical therapy”:~~

~~—1. Includes:~~

~~—(a) The performing and interpreting of tests and measurements as an aid to evaluation or treatment;~~

~~—(b) The planning of initial and subsequent programs of treatment on the basis of the results of tests; [and]~~

~~—(c) The administering of treatment through the use of therapeutic exercise and massage, the mobilization of joints by the use of therapeutic exercise without chiropractic adjustment, mechanical devices, and therapeutic agents which employ the properties of air, water, electricity, sound and radiant energy; [] and~~

~~—(d) *The use of the technique of dry needling.*~~

~~2. Does not include:~~

~~—(a) The diagnosis of physical disabilities;~~

~~—(b) The use of roentgenic rays or radium;~~

~~—(c) The use of electricity for cauterization or surgery; or~~

~~—(d) The occupation of a masseur who massages only the superficial soft tissues of the body.] (Deleted by amendment.)~~

Sec. 12.5. ~~[NRS 640.050 is hereby amended to read as follows:~~

~~640.050 1. The Board shall:~~

~~—(a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto;~~

~~—(b) Evaluate the qualifications and determine the eligibility of an applicant for a license as a physical therapist or physical therapist assistant and, upon payment of the applicable fee, issue the appropriate license to a qualified applicant;~~

~~—(c) Investigate any complaint filed with the Board against a licensee; and~~

~~—(d) Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices as a physical therapist or physical therapist assistant without a license.~~

~~2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:~~

~~—(a) Issuance and display of licenses.~~

~~—(b) Supervision of physical therapist assistants and physical therapist technicians.~~

~~3. *The Board shall prescribe by regulation the scope of the use of the technique of dry needling by a physical therapist. The regulations must, without limitation, establish requirements for training that a physical therapist must successfully complete before administering treatment through the use of the technique of dry needling.*~~

~~[3.] 4. The Board shall prepare and maintain a record of its proceedings, including, without limitation, any disciplinary proceedings.~~

~~[4.] 5. The Board shall maintain a list of licensed physical therapists authorized to practice physical therapy and physical therapist assistants licensed to assist in the practice of physical therapy in this State.~~

~~[5.] 6. The Board may:~~

~~— (a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.~~

~~— (b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.~~

~~— (c) Adopt a seal of which a court may take judicial notice.~~

~~— [6.] 7. Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist assistant and inspect the premises to determine whether a violation of any provision of this chapter or any regulation adopted pursuant thereto has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist assistant without the appropriate license issued pursuant to the provisions of this chapter.~~

~~— [7.] 8. Any voting member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.~~ **(Deleted by amendment.)**

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. **NRS 634A.144 is hereby repealed.**

Sec. 15. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2020, for all other purposes.

TEXT OF REPEALED SECTION

634A.144 Board prohibited from issuing or renewing license unless applicant attests to certain information related to safe and appropriate injection practices. The Board shall not issue or renew a license to practice Oriental medicine unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 790.

AN ACT relating to taxation; ~~eliminating the authority of the Office of Economic Development to issue~~ **revising provisions governing the issuance of transferable tax credits for certain projects that will make a capital investment in this State of at least \$1 billion and satisfy certain other criteria; and providing other matters properly relating thereto.**

Legislative Counsel's Digest:

Existing law authorizes the Office of Economic Development to approve applications for partial abatements of certain taxes and the issuance of transferable tax credits submitted by the lead participant engaged in a qualified project with other participants which: (1) is for a common purpose or business endeavor; (2) is located within the geographic boundaries of a single project site in this State; and (3) satisfies certain criteria, including, without limitation, a requirement that the participants in the project agree to make a total new capital investment in this State of at least \$1 billion during the 10-year period immediately following approval of the application. (NRS 360.889) Under existing law, the Office is authorized to approve for the project: (1) a maximum of \$7,600,000 of transferable tax credits per fiscal year; and (2) a total amount of transferable tax credits of not more than \$38,000,000. (NRS 360.892) ~~Section 6 of this bill eliminates the authority of the Office to issue these transferable tax credits. Sections 1.5~~ **Section 1.3 of this bill adds an additional requirement for the issuance of these transferable tax credits by requiring approval of the Interim Finance Committee before the tax credits may be issued. Sections 1, 1.5 and 1.7** of this bill make conforming changes. ~~[by removing the authority of a lead participant to apply for these transferable tax credits and removing references to these transferable tax credits.]~~

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

Section 1. NRS 360.888 is hereby amended to read as follows:

360.888 “Qualified project” means a project which the Office of Economic Development determines meets all the requirements set forth in subsections 2 ~~(to~~, **3, 5** ~~[, inclusive],~~ **and 6** of NRS 360.889.

~~Section 1.1~~ **Sec. 1.3.** NRS 360.889 is hereby amended to read as follows:

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

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

- (1) Any tax imposed by chapters 363A and 363B of NRS;
- (2) The gaming license fees imposed by the provisions of NRS 463.370;
- (3) Any tax imposed by chapter 680B of NRS; or
- (4) Any combination of the fees and taxes described in subparagraphs (1), (2) and (3).

(b) A ~~4.1~~ partial abatement of property taxes, employer excise taxes or local sales and use taxes, or any combination of any of those taxes.

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

(a) Submit an application that meets the requirements of subsection ~~4.1~~ 5;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. In addition to meeting the requirements set forth in subsection 2, for a project located on more than one site in this State to be eligible for the partial abatement of the taxes described in paragraph (b) of subsection 1, the lead participant must, on behalf of the project, submit an application that meets the requirements of subsection ~~4~~ 5 on or before June 30, 2019, and provide documentation satisfactory to the Office that:

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

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

(c) Each participant offers primary jobs and:

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

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

↪ If any participant is a data center, as defined in NRS 360.754, any capital investment by that participant must not be counted in determining whether the

participants in the project collectively will make a total new capital investment of at least \$1 billion in this State within the 10-year period immediately following approval of the application, as required by paragraph (c) of subsection 2.

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

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

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

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

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

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

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

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

(e) If the application includes one or more partial abatements, an agreement executed by the Office with the lead participant in the project which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the partial abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application;

(3) States that the project will, after the date on which a certificate of eligibility for the partial abatement is approved pursuant to NRS 360.893, continue in operation in this State for a period specified by the Office; and

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

(f) Any other information required by the Office.

~~15~~ 6. For an employee to be considered a resident of Nevada for the purposes of this section, each participant in the project must maintain the following documents in the personnel file of the employee:

(a) A copy of the:

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

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

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

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

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

~~16~~ 7. For the purpose of obtaining from the Executive Director of the Office any waiver of the requirement set forth in paragraph (k) of subsection 2, the lead participant in the project must submit to the Executive Director of the Office written documentation of the efforts to meet the requirement and documented proof that an insufficient number of Nevada residents is available and qualified for employment.

~~17~~ 8. The Executive Director of the Office shall make available to the public and post on the Internet website of the Office:

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

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

~~18~~ 9. The Executive Director of the Office shall post a request for a waiver of the requirements set forth in paragraph (k) of subsection 2 on the Internet website of the Office within 3 days after receiving the request and shall keep the request posted on the Internet website for not less than 5 days. The Executive Director of the Office shall ensure that the Internet website allows members of the public to post comments regarding the request.

~~19~~ 10. The Executive Director of the Office shall consider any comments posted on the Internet website concerning any request for a waiver of the requirements set forth in paragraph (k) of subsection 2 before making a decision regarding whether to approve the request. If the Executive Director of the Office approves the request for a waiver, the Executive Director of the Office must post the approval on the Internet website of the Office within 3

days and ensure that the Internet website allows members of the public to post comments regarding the approval.

Sec. 1.5. NRS 360.890 is hereby amended to read as follows:

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

(a) Shall not consider the application unless the Office has requested a letter of acknowledgment of the request for a partial abatement from any county, school district, city or town which the Office determines may experience a direct economic effect as a result of the partial abatement.

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

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

(1) Each participant in the project;

(2) The Department;

(3) The Nevada Gaming Control Board;

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

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

(6) The general public.

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

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

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

the Department, as applicable, all additional information required by the Office or the Department.

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

- (a) Is confidential proprietary information of the business;
- (b) Is not a public record; and
- (c) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure.

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

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

7. Before the Executive Director of the Office discloses the application to the public, the lead participant may submit a request to the Executive Director of the Office to protect from disclosure any information in the application which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director of the Office shall determine whether to protect the information from disclosure. The decision of the Executive Director of the Office is final and is not subject to judicial review. If the Executive Director of the Office determines to protect the information from disclosure, the protected information:

- (a) Is confidential proprietary information of the business;
- (b) Is not a public record;
- (c) Must be redacted by the Executive Director of the Office from any copy of the application that is disclosed to the public; and
- (d) Must not be disclosed to any person who is not an officer or employee of the Office of Economic Development unless the lead participant consents to the disclosure.

Sec. 1.7. NRS 360.891 is hereby amended to read as follows:

360.891 1. If the Office of Economic Development approves an application for a certificate of eligibility for transferable tax credits submitted pursuant to paragraph (a) of subsection 1 of NRS 360.889 ~~and~~ **and the Interim Finance Committee approves a written request for the issuance of transferable tax credits pursuant to subsection 4 of NRS 360.889,** the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to this section to:

- (a) The lead participant in the qualified project;

- (b) The Department; and
- (c) The Nevada Gaming Control Board.

2. Within 14 business days after receipt of an audit provided by the lead participant in the qualified project pursuant to paragraph (1) of subsection 2 of NRS 360.889 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for the transferable tax credits have been met, the Office shall notify the lead participant in the qualified project that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the lead participant in the qualified project shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subparagraphs (1), (2) and (3) of paragraph (a) of subsection 1 of NRS 360.889, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the lead participant a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration. The lead participant shall notify the Department upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subparagraphs (1), (2) and (3) of paragraph (a) of subsection 1 of NRS 360.889. The Department shall notify the Office and the Nevada Gaming Control Board of the amount of any transferable tax credits transferred.

3. A qualified project may be approved for a certificate of eligibility for transferable tax credits in the amount of \$9,500 for each qualified employee, up to a maximum of 4,000 qualified employees.

4. For the purpose of computing the amount of transferable tax credits for which a qualified project is eligible pursuant to subsection 3:

- (a) Each qualified employee must be:
 - (1) Employed by a participant at the site of the qualified project.
 - (2) Employed full-time and scheduled to work for an average minimum of 30 hours per week.
 - (3) Employed for at least the last 3 consecutive months of the fiscal year.
 - (4) Offered coverage under a plan of health insurance provided by his or her employer.

(b) The wages for federal income tax purposes reported or required to be reported on Form W-2 of the qualified employees of the qualified project must be paid at an average rate of \$22 per hour.

(c) An employee engaged solely in the construction of the qualified project is deemed not to be a qualified employee.

Sec. 2. ~~NRS 360.893 is hereby amended to read as follows:~~

~~360.893 1. If the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted pursuant to [paragraph (b) of] subsection 1~~

~~of NRS 360.889, the Office shall immediately forward a certificate of eligibility for the partial abatement of the taxes described in that [paragraph] subsection to:~~

- ~~— (a) The Department;~~
- ~~— (b) The Nevada Tax Commission; and~~
- ~~— (c) The county treasurer of the county in which the qualified project will be located.~~

~~2. Except as otherwise provided in subsection 3, the partial abatement for the lead participant in the qualified project must:~~

- ~~— (a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;~~
- ~~— (b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and~~
- ~~— (c) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals the amount of the local sales and use taxes that would otherwise be owed by each participant in the qualified project.~~

~~3. If the qualified project is a project located on more than one site in this State, the partial abatement for the lead participant must:~~

- ~~— (a) For property taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the property taxes that would otherwise be owed by each participant for the qualified project;~~
- ~~— (b) For employer excise taxes, be for a duration of not more than 10 years after the effective date of the partial abatement and in an amount that equals 75 percent of the amount of the employer excise taxes that would otherwise be owed by each participant for employees employed by the participant for the qualified project; and~~
- ~~— (c) For local sales and use taxes, be for a duration of not more than 15 years after the effective date of the partial abatement and in an amount that equals that portion of the combined rate of all the local sales and use taxes payable by each participant in the qualified project each year which exceeds 0.6 percent. The Department of Taxation shall issue to the lead participant a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.6 percent. As used in this paragraph, “local sales and use taxes” means the taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the political subdivision in which~~

~~the new or expanded business is located, except the taxes imposed by the Sales and Use Tax Act.~~

~~Notwithstanding any other provision of law, if the Office of Economic Development approves an application for a partial abatement of property taxes, employer excise taxes or local sales and use taxes submitted pursuant to [paragraph (b) of] subsection 1 of NRS 360.880 for a lead participant of a qualified project located on more than one site in this State, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the qualified project for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of the taxes imposed by NRS 374.110 and 374.190.~~

~~4. As a condition of approving a partial abatement of taxes pursuant to NRS 360.880 to 360.896, inclusive, the Executive Director of the Office of Economic Development, if he or she determines it to be in the best interests of the State of Nevada, may require the lead participant to pay at such time or times as deemed appropriate, an amount of money equal to all or a portion of the abated taxes into a trust fund in the State Treasury to be held until all or a portion of the requirements for the partial abatement have been met. Interest and income earned on money in the trust fund must be credited to the trust fund. Any money remaining in the trust fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the trust fund must be carried forward to the next fiscal year. Money in the trust fund must not be used for any purpose other than the purposes set forth in subsections 5 and 6.~~

~~5. If any assessment, or installment thereof, imposed on a qualified project pursuant to chapter 271 of NRS is delinquent, the money in the trust fund established pursuant to subsection 4 must:~~

~~(a) First be used to repay the bonds or other obligations of the State which are issued in connection with the qualified project.~~

~~(b) If any money remains in the trust fund after payments are made pursuant to paragraph (a), be used to repay bonds or other obligations of a municipality issued in connection with the qualified project.~~

~~6. Upon a determination by the Executive Director of the Office of Economic Development that the requirements for the partial abatement have been met, the money in the trust fund established pursuant to subsection 4, including any interest and income earned on the money during the time it was in the trust fund, must be returned to the lead participant. If the Executive Director of the Office of Economic Development determines that the requirements for the partial abatement have not been met:~~

~~(a) Except as otherwise provided in this subsection:~~

~~(1) The money in the trust fund established pursuant to subsection 4, after any payment made pursuant to subsection 5, must be transferred to the entity that would have received the money if the Office had not approved the partial abatement, as determined by the Department; and~~

~~(2) Any amount of money in the trust fund used to repay bonds or other obligations of the State or municipality pursuant to subsection 5 must~~

~~proportionally reduce the amount transferred to an entity pursuant to subparagraph (1).~~

~~— (b) The interest and income earned on the money in the trust fund during the time it was in the trust fund must be distributed to an entity receiving a distribution pursuant to paragraph (a) in the proportion that the money distributed to the entity pursuant to that paragraph bears to the total money distributed pursuant to that paragraph.~~

~~— 7. If the Office approves a partial abatement of local sales and use taxes, the Office shall issue to the lead participant in the qualified project a document certifying the partial abatement which can be presented to retailers at the time of sale. The document must clearly state the rate of sales and use taxes which the purchaser is required to pay in the county in which the abatement is effective. (Deleted by amendment.)~~

Sec. 3. ~~NRS 360.894 is hereby amended to read as follows:~~

~~— 360.894 1. The lead participant in a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets the eligibility requirements for [any transferable tax credits issued pursuant to NRS 360.891 and] the partial abatement of any taxes pursuant to NRS 360.893.~~

~~— 2. [The lead participant shall repay to the Department or the Nevada Gaming Control Board, as applicable, any portion of the transferable tax credits to which the lead participant is not entitled if:~~

~~— (a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Executive Director of the Office of Economic Development that the project is a qualified project;~~

~~— (b) The participants in the qualified project collectively fail to employ the number of qualified employees identified in the certificate of eligibility approved for the qualified project;~~

~~— (c) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits; or~~

~~— (d) The lead participant otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to NRS 360.880 to 360.896, inclusive.~~

~~— 3. Transferable tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in connection with the purchase.~~

~~— 4.] Notwithstanding any provision of this chapter or chapter 361 of NRS, if the lead participant in a qualified project for which a partial abatement has been approved pursuant to NRS 360.893 and is in effect:~~

~~— (a) Fails to meet the requirements for eligibility pursuant to that section; or~~

~~— (b) Ceases operation before the time specified in the agreement described in paragraph (c) of subsection 4 of NRS 360.889;~~

~~the lead participant shall repay to the Department or, if the partial abatement is from the property tax imposed by chapter 361 of NRS, to the appropriate county treasurer, the amount of the partial abatement that was allowed to the lead participant pursuant to NRS 360.893 before the failure of the lead participant to meet the requirements for eligibility. Except as otherwise provided in NRS 360.232 and 360.320, the lead participant shall, in addition to the amount of the partial abatement required to be repaid by the lead participant pursuant to this subsection, pay interest on the amount due from the lead participant at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.~~

~~[5.] 3. The Secretary of State may, upon application by the Executive Director of the Office, revoke or suspend the state business license of the lead participant in a qualified project which is required to repay [any portion of transferable tax credits pursuant to subsection 2 or] the amount of any partial abatement pursuant to subsection [4] 2 and which the Office determines is not in compliance with the provisions of this section governing repayment. If the state business license of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business license suspended pursuant to this subsection or issue a new state business license to the lead participant whose state business license has been revoked pursuant to this subsection unless the Executive Director of the Office provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.] (Deleted by amendment.)~~

Sec. 4. ~~NRS 360.895 is hereby amended to read as follows:~~

~~360.895 1. The Office of Economic Development shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report which includes:~~

~~(a) For the immediately preceding fiscal year:~~

~~(1) The number of applications submitted pursuant to NRS 360.889;~~

~~(2) The number of qualified projects for which an application was approved;~~

~~(3) [The amount of transferable tax credits approved;~~

~~(4) The amount of transferable tax credits used;~~

~~(5) The amount of transferable tax credits transferred;~~

~~(6) The amount of transferable tax credits taken against each allowable fee or tax, including the actual amount used and outstanding, in total and for each qualified project;~~

~~(7)] The number of partial abatements approved;~~

~~[(8)] (4) The dollar amount of the partial abatements;~~

~~— [(9)] (5) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in a qualified project who are residents of Nevada;~~

~~— [(10)] (6) The number of qualified employees employed by each participant in a qualified project and the total amount of wages paid to those persons; and~~

~~— [(11)] (7) For each qualified project, an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project.~~

~~— (b) For each partial abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years, 6 fiscal years, 10 fiscal years and 15 fiscal years immediately preceding the submission of the report:~~

~~— (1) The dollar amount of the partial abatement;~~

~~— (2) The value of infrastructure included as an incentive for the qualified project;~~

~~— (3) The economic sector in which each participant in the qualified project operates, the number of primary jobs related to the qualified project, the average wage paid to employees employed by the participants in the qualified project and the assessed values of personal property and real property of the qualified project; and~~

~~— (4) Any other information that the Office determines to be useful.~~

~~— 2. Except as otherwise provided in subsection 4, in addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on December 19, 2015, and ending on June 30, 2020, the Office shall, not less frequently than every calendar quarter, prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding calendar quarter:~~

~~— (a) The dollar amount of the partial abatements approved for the lead participant in each qualified project;~~

~~— (b) The number of employees engaged in construction of each qualified project who are residents of Nevada and the number of employees employed by each participant in each qualified project who are residents of Nevada;~~

~~— (c) The number of qualified employees employed by each participant in each qualified project and the total amount of wages paid to those persons;~~

~~— (d) For each qualified project an assessment of whether the participants in the qualified project are making satisfactory progress towards meeting the investment requirements necessary to support the determination by the Office that the project is a qualified project; and~~

~~— (e) Any other information requested by the Legislature.~~

~~— 3. Except as otherwise provided in subsection 4, in addition to the annual reports required to be prepared and submitted pursuant to subsection 1, for the period beginning on July 1, 2020, and ending on June 30, 2025, the Office~~

~~shall, not less frequently than every 6 months, prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report which includes, for the immediately preceding 6 months, the information required to be included in a report prepared and submitted pursuant to subsection 2;~~

~~—4.— The Office is not required to prepare and submit the report required by subsection 2 or 3 if, within 75 days after the end of the period covered by the report:~~

~~—(a) The Office receives an audit of the participants in the project for the period that would have been covered by the report; and~~

~~—(b) That audit contains the information required to be included in the report pursuant to paragraphs (a) to (d), inclusive, of subsection 2.~~

~~—5.— In addition to the reports required to be prepared and submitted pursuant to subsections 1 and 2, the Office shall, upon request, make available to the Legislature any information concerning a qualified project or any participant in a qualified project. The Office shall make available any information requested pursuant to this subsection within the period specified in the request.~~

~~—6.— The Office shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau a copy of any agreement entered into by the Office and the lead participant not later than 30 days after the agreement is executed.~~

~~—7.— Notwithstanding the provisions of any other specific statute, the information requested by the Legislature pursuant to this section may include information considered confidential for other purposes. If such confidential information is requested, the Office shall make the information available to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination. **(Deleted by amendment.)**~~

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

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

~~—2.— Before granting any abatement pursuant to subsection 1, the governing body of the city or county must provide by ordinance for a pilot project for granting abatements to participants in a qualified project.~~

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

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

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

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

~~Sec. 6. [NRS 360.891 and 360.892 are hereby repealed.] (Deleted by amendment.)~~

~~Sec. 7. 1. This act becomes effective upon passage and approval.~~

~~2. Sections 1 [to 5, inclusive], 1.5 and 1.7 of this act expire by limitation on June 30, 2032.~~

f

~~TEXT OF REPEALED SECTIONS~~

~~— 360.891 Approval of application for certificate of eligibility for transferable tax credits; issuance of certificate; computation of amount of transferable tax credits which may be approved for qualified project.~~

~~— 1. If the Office of Economic Development approves an application for a certificate of eligibility for transferable tax credits submitted pursuant to paragraph (a) of subsection 1 of NRS 360.889, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to this section to:~~

~~—(a) The lead participant in the qualified project;~~

~~—(b) The Department; and~~

~~—(c) The Nevada Gaming Control Board.~~

~~— 2. Within 14 business days after receipt of an audit provided by the lead participant in the qualified project pursuant to paragraph (l) of subsection 2 of NRS 360.889 and any other accountings or other information required by the Office, the Office shall determine whether to certify the audit and make a final determination of whether a certificate of transferable tax credits will be issued. If the Office certifies the audit and determines that all other requirements for the transferable tax credits have been met, the Office shall notify the lead participant in the qualified project that the transferable tax credits will be issued. Within 30 days after the receipt of the notice, the lead participant in the qualified project shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in subparagraphs (1), (2) and (3) of paragraph (a) of subsection 1 of NRS 360.889, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the lead participant a certificate of transferable tax credits in the amount approved by the Office for the fees or taxes included in the declaration. The lead participant shall notify the Department upon transferring any of the transferable tax credits. The Office shall notify the Department and the Nevada Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in subparagraphs (1), (2) and (3) of paragraph (a) of subsection 1 of NRS~~

~~360.889. The Department shall notify the Office and the Nevada Gaming Control Board of the amount of any transferable tax credits transferred.~~

~~3. A qualified project may be approved for a certificate of eligibility for transferable tax credits in the amount of \$9,500 for each qualified employee, up to a maximum of 4,000 qualified employees.~~

~~4. For the purpose of computing the amount of transferable tax credits for which a qualified project is eligible pursuant to subsection 3:~~

~~(a) Each qualified employee must be:~~

~~(1) Employed by a participant at the site of the qualified project.~~

~~(2) Employed full time and scheduled to work for an average minimum of 30 hours per week.~~

~~(3) Employed for at least the last 3 consecutive months of the fiscal year.~~

~~(4) Offered coverage under a plan of health insurance provided by his or her employer.~~

~~(b) The wages for federal income tax purposes reported or required to be reported on Form W-2 of the qualified employees of the qualified project must be paid at an average rate of \$22 per hour.~~

~~(c) An employee engaged solely in the construction of the qualified project is deemed not to be a qualified employee.~~

~~360.892. Limitations on amounts of transferable tax credits which may be issued by Office of Economic Development:~~

~~1. Except as otherwise provided in this section, the Office of Economic Development shall not approve transferable tax credits:~~

~~(a) For Fiscal Year 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, 2022-2023, 2023-2024 or 2024-2025, if approval of the transferable tax credits would cause the total amount of transferable tax credits issued pursuant to NRS 360.880 to 360.896, inclusive, in that Fiscal Year to exceed \$7,600,000.~~

~~(b) For a fiscal year beginning on or after July 1, 2025.~~

~~2. The total amount of transferable tax credits issued pursuant to NRS 360.880 to 360.896, inclusive, to all qualified projects in this State must not exceed \$38,000,000.~~

~~3. If in any fiscal year the Office does not approve an amount of transferable tax credits equal to the total amount authorized by paragraph (a) or (b) of subsection 1, the remaining amount of transferable tax credits must be carried forward and made available for approval during subsequent fiscal years ending on or before June 30, 2025.~~

~~4. Each transferable tax credit issued pursuant to NRS 360.880 to 360.896, inclusive, expires 4 years after the date on which the transferable tax credit is issued to the lead participant. A transferable tax credit issued pursuant to NRS 360.880 to 360.896, inclusive, may be transferred only once.~~

Assemblywoman Neal moved the adoption of the amendment.

Remarks by Assemblywoman Neal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 417.

Bill read second time.

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

Amendment No. 750.

AN ACT relating to livestock; requiring the State Department of Agriculture to issue a limited license to conduct an annual sale of livestock under certain circumstances; imposing a fee for the issuance of the limited license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from holding, operating, conducting or carrying on a public livestock auction without first securing a license from the State Department of Agriculture. (NRS 573.020) Before the Department may issue a license to an operator of a public livestock auction, the applicant for the license must deliver to the Director of the Department: (1) a surety bond; (2) a bond approved by the Secretary of Agriculture of the United States; or (3) a deposit receipt. (NRS 573.030) A person who operates a public livestock auction without a license or any licensee authorized to operate a public livestock auction who violates any provision of chapter 573 of NRS governing public sales of livestock or any regulations adopted pursuant to that chapter is subject to: (1) the imposition of a restraining order; (2) punishment for a misdemeanor; and (3) payment of an additional administrative fine of not less than \$1,000 and not more than \$5,000 per violation. (NRS 573.185, 573.190)

In lieu of securing a license to operate a public livestock auction, **section 1** of this bill authorizes a person who wishes to conduct an annual sale of livestock to submit an application to the Department for the issuance of a limited license to conduct such a sale. **Section 2** of this bill defines an "annual sale of livestock" to mean any sale of livestock to which any member of the public may consign livestock for sale or exchange through public bidding and which is conducted for not more than 2 consecutive days during a calendar year. **Section 1** requires the Department to issue to the applicant a limited license to conduct an annual sale of livestock if the Department finds that the applicant has: (1) delivered to the Director of the Department a certain surety bond or deposit receipt; (2) paid the fee established by regulation of the State Board of Agriculture for the limited license; and (3) otherwise complied with the provisions of chapter 573 of NRS governing public sales of livestock. **Section 1** also requires the Department to limit the duration of any surety bond or deposit receipt to the period during which an annual sale of livestock is conducted and to set the surety bond or deposit receipt on the basis of specified criteria. **Section 11** of this bill authorizes the Department or a representative of the Department to enter the premises where an annual livestock sale is held to inspect the records of the annual livestock sale. **Sections 12 and 13** of this

bill subject a person who conducts an annual sale of livestock to the imposition of a cease and desist order and a restraining order for certain violations. **Section 14** of this bill also makes such a person who commits those violations guilty of a misdemeanor and subject to the payment of an additional administrative fine. **Sections 3-10 and 15** 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 573 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In lieu of securing a license to hold, operate, conduct or carry on a public livestock auction pursuant to NRS 573.020, a person who wishes to conduct an annual sale of livestock may submit an application to the Department for the issuance of a limited license to conduct such a sale. The application must be submitted on a form furnished or approved by the Department and must include:

(a) The name and address of the applicant who will conduct the annual sale of livestock;

(b) The location of the establishment or premises where the applicant will conduct the annual sale of livestock; and

(c) Any other information required by the Department.

2. As soon as practicable after receiving an application pursuant to subsection 1, the Department shall issue a limited license to conduct an annual sale of livestock to the applicant if the Department finds that the applicant has:

(a) Delivered to the Director a surety bond pursuant to NRS 573.033 or a deposit receipt pursuant to NRS 573.037;

(b) Paid the fee established by regulation of the State Board of Agriculture for the limited license to conduct an annual sale of livestock ~~and~~ pursuant to NRS 573.040; and

(c) Otherwise complied with the provisions of this chapter.

3. A limited license to conduct an annual sale of livestock is valid for the period for which it is issued. A person may not obtain more than one limited license to conduct an annual sale of livestock during the same calendar year.

4. The Department shall:

(a) Limit the required duration of any surety bond or deposit receipt submitted pursuant to paragraph (a) of subsection 2 to the period during which the annual sale of livestock is conducted by the licensee.

(b) Set the amount of the surety bond or deposit receipt at an amount which ~~must be~~

~~*(1) Less*~~ :

(1) Must be based on the amount of bond coverage calculated for a market agency pursuant to 9 C.F.R. § 201.30(a); and

~~(2) May be less than the amount otherwise required pursuant to NRS 573.033 or 573.037. ^f and~~

~~(2) Based on the amount of bond coverage calculated for a market agency pursuant to 9 C.F.R. § 201.30(a).^f~~

Sec. 2. NRS 573.010 is hereby amended to read as follows:

573.010 As used in this chapter:

1. “Annual sale of livestock” means any sale of livestock:

(a) To which any member of the public may consign livestock for sale or exchange through public bidding at the sale of the livestock; and

(b) Which is conducted for not more than 2 consecutive days during a calendar year.

2. “Consignor” means any person consigning, shipping or delivering livestock to a public livestock auction for sale, resale or exchange.

~~12-1~~ 3. “Department” means the State Department of Agriculture.

~~13-1~~ 4. “Director” means the Director of the Department.

~~14-1~~ 5. “Livestock” means:

(a) Cattle, sheep, goats, horses, mules, asses, burros, swine or poultry; and

(b) Alternative livestock as defined in NRS 501.003.

~~15-1~~ 6. “Operator of a public livestock auction” means any person holding, conducting or carrying on a public livestock auction.

~~16-1~~ 7. “Public livestock auction” means any sale or exchange of livestock held by any person at an established place of business or premises where the livestock is assembled for sale or exchange, and is exchanged or sold at auction or upon a commission basis at regular or irregular intervals. **The term does not include an annual sale of livestock.**

Sec. 3. NRS 573.030 is hereby amended to read as follows:

573.030 Before a license is issued by the Department to an operator of a public livestock auction ~~1-1~~ **or a limited license is issued by the Department to conduct an annual sale of livestock**, the applicant must deliver to the Director:

1. A surety bond pursuant to the provisions of NRS 573.033;

2. ~~1A-1~~ **In the case of a public livestock auction**, a bond approved by the Secretary of Agriculture of the United States pursuant to the provisions of NRS 573.035; or

3. A deposit receipt pursuant to the provisions of NRS 573.037.

Sec. 4. NRS 573.033 is hereby amended to read as follows:

573.033 1. ~~1-1~~ **Except as otherwise provided in section 1 of this act, if** an applicant delivers a surety bond to the Director pursuant to the provisions of subsection 1 of NRS 573.030 ~~1-1~~ **or section 1 of this act**, the surety bond must be:

(a) In the amount of \$200,000 or more but less than \$1,000,000.

(b) Executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety.

(c) A standard form and approved by the Director as to terms and conditions.

(d) Conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted by the Department.

(e) To the State of Nevada in favor of every consignor creditor whose livestock was handled or sold through or at the licensee's public livestock auction ~~††~~ **or annual sale of livestock, as applicable.**

2. The total and aggregate liability of the surety for all claims upon the bond must be limited to the face amount of the bond.

Sec. 5. NRS 573.037 is hereby amended to read as follows:

573.037 1. As authorized by subsection 3 of NRS 573.030 ~~††~~ **or section 1 of this act**, in lieu of filing the bond described in NRS 573.033 or 573.035, the applicant may deliver to the Director the receipt of a bank, credit union or trust company doing business in this state showing the deposit with that bank, credit union or trust company of cash or of securities endorsed in blank by the owner thereof and , **except as otherwise provided in section 1 of this act,** of a market value equal at least to the required principal amount of the bond, the cash or securities to be deposited in escrow under an agreement conditioned as in the case of a bond. A receipt must be accompanied by evidence that there are no unsatisfied judgments against the applicant of record in the county where the applicant resides.

2. An action for recovery against any such deposit may be brought in the same manner as in the case of an action for recovery on a bond filed under the provisions of this chapter.

3. ~~††~~ **Except as otherwise provided in section 1 of this act, if** any licensed operator of a public livestock auction **or holder of a limited license to conduct an annual sale of livestock** for any reason ceases to operate the auction ~~††~~ **or sale**, the amount of money or securities deposited in lieu of a bond must be retained by the Department for 1 year. If 1 year after the cessation of the operation, no legal action has been commenced to recover against the money or securities, the amount thereof must be delivered to the owner thereof. If a legal action has been commenced within that period, all such money and securities must be held by the Director subject to the order of a court of competent jurisdiction.

Sec. 5.5. **NRS 573.040 is hereby amended to read as follows:**

573.040 The State Board of Agriculture shall establish by regulation the fee for ~~††~~:

1. A license to operate a public livestock auction.

2. A limited license to conduct an annual sale of livestock.

Sec. 6. NRS 573.050 is hereby amended to read as follows:

573.050 Upon receipt of an application for a license **to operate a public livestock auction** under this chapter, accompanied by the required bond and license fee, the Department shall examine the application, and if it finds the application to be in proper form and that the applicant has otherwise complied with this chapter, the Director or his or her designee shall grant and sign the license as applied for, subject to the provisions of this chapter.

Sec. 7. NRS 573.070 is hereby amended to read as follows:

573.070 ~~Licensees~~ **A license to operate a public livestock auction** must be in such form as the Department may prescribe, and set forth:

1. The name and address of the operator of the public livestock auction.
2. The location of the establishment or premises licensed.
3. The kinds of livestock to be sold, exchanged or handled.
4. The period of the license.
5. The weekly or monthly sales day or days.
6. Such other information as the Department may determine.

Sec. 8. NRS 573.080 is hereby amended to read as follows:

573.080 ~~Licensees~~ **A license to operate a public livestock auction** must be renewed annually upon like application and procedure as in the case of *an* original ~~license~~ **license to operate a public livestock auction**. An application for *the* renewal *of the license* must be accompanied by:

1. A full audit completed not more than 2 months before the date of the application which must be signed and certified as correct by a holder of a live permit issued pursuant to chapter 628 of NRS.

2. The name and address of the bank or credit union where the custodial account for consignors' proceeds will be established and maintained by the operator of the public livestock auction in compliance with the provisions of NRS 573.104.

Sec. 9. NRS 573.125 is hereby amended to read as follows:

573.125 Each operator of a livestock auction *or person who conducts an annual sale of livestock* shall issue to each purchaser of livestock a receipt on a form approved by the Department, and the receipt must contain:

1. The name and address of the purchaser of the livestock.
2. A description of the livestock, which must include the number and kind, approximate age, the sex, and any visible brands or other distinguishing or identifying marks.

Sec. 10. NRS 573.130 is hereby amended to read as follows:

573.130 1. Livestock that is under quarantine because of any contagious, infectious or communicable disease must not be consigned to or sold through any public livestock auction ~~+~~ **or annual sale of livestock**.

2. Livestock that is known to be infected with, or known to have been exposed to, any contagious, infectious or parasitic livestock disease must not be consigned to or sold through any public livestock auction *or annual sale of livestock* except under rules and regulations governing the consignments and sales adopted by the Department.

3. The Department may require such testing, treating and examining of livestock sold, traded, exchanged or handled at or through public livestock auctions *or annual sales of livestock* as in its judgment may be necessary to prevent the spread of infectious, contagious or parasitic diseases among the livestock of this state.

4. The Department may require operators of public livestock auctions *or persons who conduct annual sales of livestock* to reimburse the Department

for actual expenses or any part thereof incurred in testing, treating and examining livestock sold, traded, exchanged or handled at or through those auctions.

Sec. 11. NRS 573.160 is hereby amended to read as follows:

573.160 To carry out the provisions of this chapter and to conduct inspections pursuant thereto, the Department or any authorized representative thereof may enter the establishment or premises where any public livestock auction *or annual sale of livestock* is held and inspect the records thereof at all reasonable times.

Sec. 12. NRS 573.183 is hereby amended to read as follows:

573.183 If the Director determines, on the basis of any verified complaint or of any inspection or investigation made by him or her pursuant to this chapter, that any operator of a public livestock auction *or person who conducts an annual sale of livestock* is violating or is about to violate any provision of this chapter for the protection of consignor creditors, the Director may order:

1. The operator *or person* to cease and desist from:
 - (a) Receiving or selling any livestock;
 - (b) Receiving or disbursing any money; or
 - (c) Any practice which violates any provision of this chapter or any other law or any rule, order or regulation issued pursuant to law.
2. Any bank or credit union which holds the custodial account of the operator, as required by NRS 573.104, to refrain from paying out any money from the account.

↪ The order ceases to be effective upon the expiration of 3 days, excluding Saturdays, Sundays and other nonjudicial days, after its date of issuance unless a court has, pursuant to NRS 573.185, issued an order which continues the restraint.

Sec. 13. NRS 573.185 is hereby amended to read as follows:

573.185 If any ~~licensee~~ *operator of a public livestock auction or person who conducts an annual sale of livestock* has engaged or is about to engage in any acts or practices which violate or will violate any of the provisions of this chapter or the rules and regulations adopted by the Department, the district court of any county, on application of the Director, may issue an injunction or other appropriate order restraining that conduct. Proceedings under this section are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Director.

Sec. 14. NRS 573.190 is hereby amended to read as follows:

- 573.190 1. Any person who ~~operates~~ :
- (a) *Operates* a public livestock auction without a license required by this chapter ~~or who violates~~ ;
 - (b) *Conducts an annual sale of livestock without a limited license issued pursuant to section 1 of this act; or*
 - (c) *Violates* any of the provisions of this chapter or of any rules or regulations adopted pursuant thereto,

↪ is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not less than \$1,000 and not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

2. Each day's operation in which livestock is sold or exchanged at any unlicensed public livestock auction *or annual sale of livestock* constitutes a separate offense.

3. Any money collected from the imposition of an administrative fine pursuant to subsection 1 must be accounted for separately and:

(a) Fifty percent of the money must be used to fund a program selected by the Director that provides loans to persons who are engaged in agriculture and who are 21 years of age or younger; and

(b) The remaining 50 percent of the money must be deposited in the Account for the Control of Weeds established by NRS 555.035.

Sec. 15. NRS 576.140 is hereby amended to read as follows:

576.140 Except as otherwise provided in NRS 576.042, the provisions of this chapter do not apply to:

1. The Nevada Mineral Exhibition, 4-H clubs, the Future Farmers of America, the Nevada Junior Livestock Show, the Nevada State Livestock Show, the Nevada Hereford Association, or any other nonprofit organization or association.

2. Any railroad transporting livestock interstate or intrastate.

3. Any farmer or rancher purchasing or receiving livestock for grazing, pasturing or feeding on his or her premises within the State of Nevada and not for immediate resale.

4. Operators of public livestock auctions as defined in NRS 573.010, and all buyers of livestock at those auctions at which the public livestock auction licensee does not control title or ownership to the livestock being sold or purchased at those auctions, and any person buying for interstate shipments only and subject to and operating under a bond required by the United States pursuant to the provisions of the Packers and Stockyards Act, 7 U.S.C. § 204, and the regulations adopted pursuant to those provisions.

5. *Persons who conduct annual sales of livestock as defined in NRS 573.010.*

6. Any farmer or rancher whose farm or ranch is located in the State of Nevada, who buys or receives farm products or livestock from another farmer or rancher not for immediate resale.

~~6.~~ 7. Any retail merchant having a fixed and established place of business in this state and who conducts a retail business exclusively.

Sec. 16. 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.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 424.

Bill read second time.

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

Amendment No. 875.

SUMMARY—Revises provisions governing community-based living arrangement services, ~~for persons with a mental illness,~~ (BDR 39-964)

AN ACT relating to mental health; requiring the establishment of a system to categorize ~~consumers,~~ recipients of ~~mental health,~~ community-based living arrangement services by the scope of services needed; requiring the establishment of procedures for the appeal of decisions relating to eligibility for or authorization of ~~certain,~~ community-based living arrangement services; 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 adopt regulations that specify the circumstances under which a consumer is eligible to receive mental health services from the Division, including care, treatment, treatment to competency and training. (NRS 433.3315) This bill requires those regulations to prescribe a system to categorize ~~consumers,~~ recipients of community-based living arrangement services by the scope of services needed by the ~~consumers,~~ recipients. This bill also requires the Division to adopt regulations to establish procedures by which a ~~consumer or a provider,~~ recipient of community-based living arrangement services may appeal a decision of the Division concerning eligibility for or authorization of services.

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

Section 1. NRS 433.3315 is hereby amended to read as follows:

433.3315 The Division shall adopt regulations:

1. To define the term "consumer" for the purposes of chapters 433 to 433C, inclusive, of NRS.

2. To specify the circumstances under which a consumer is eligible to receive services from the Division pursuant to chapters 433 to 433C, inclusive, of NRS, including, but not limited to, care, treatment, treatment to competency and training. Regulations adopted pursuant to this subsection must ~~prescribe~~ :

(a) Prescribe a system to categorize a ~~consumer,~~ recipient of community-based living arrangement services by the scope of services needed by the ~~consumer,~~ recipient; and ~~specify~~

(b) Specify that a consumer is eligible to receive services only if the consumer:

~~((a))~~ (1) Has a documented diagnosis of a mental disorder based on the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

~~((b))~~ (2) Except as otherwise provided in the regulations adopted pursuant to subsection 3, is not eligible to receive services through another public or private entity.

3. To specify the circumstances under which the provisions of subparagraph (2) of paragraph (b) of subsection 2 do not apply, including, without limitation, when the copay or other payment required to obtain services through another public or private entity is prohibitively high.

4. To establish policies and procedures for the referral of each consumer who needs services that the Division is unable to provide to the most appropriate organization or resource who is able to provide the needed services to that consumer.

5. To establish procedures by which a ~~consumer or a provider~~ recipient of community-based living arrangement services with which the Division has entered into a contract may appeal a decision of the Division concerning eligibility for or authorization of services.

6. As used in this section, “community-based living arrangement services” has the meaning ascribed to it in NRS 433.605.

Sec. 2. This act becomes effective:

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

2. On 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.

Senate Bill No. 450.

Bill read second time.

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

Amendment No. 840.

AN ACT relating to elections; **revising the provisions relating to recall elections and the circulation and submission of a petition to recall a public officer**; revising the provisions relating to the verification of signatures on a petition for recall of a public officer; establishing a limit on contributions to the campaign of a candidate in a recall election; requiring the disposal of unspent contributions to a candidate at a recall election; revising provisions relating to a request to remove a signature from a petition to recall a public officer; amending the deadline for filing a legal challenge to the sufficiency of

a petition to recall a public officer; imposing civil and criminal penalties for violations of provisions governing recall elections; making various other changes relating to petitions for the recall of a public officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution provides for the right of the registered voters of the State of Nevada to recall a public officer and sets forth a procedure for exercising that right, including a requirement to file a petition to demand the recall and a formula for determining the number of signatures of registered voters that is required to appear on the petition to force the recall election. The Constitution also provides that "[s]uch additional legislation as may aid the operation of this section shall be provided by law." (Nev. Const. Art. 2, § 9) The Legislature has enacted provisions to aid the operation of the registered voters' right to recall a public officer. (Chapter 306 of NRS) This bill makes various changes to such provisions.

Under existing law, if the Secretary of State finds that the total number of signatures submitted to all county clerks on a petition to recall a public officer is 100 percent or more of the number of registered voters needed to declare the petition sufficient, with limited exception, each of the county clerks is required to examine the signatures by sampling them at random for verification. The random sampling must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. Upon completion of the random sampling, each county clerk is required to file a certificate with the Secretary of State that includes the tally of signatures. (NRS 293.1277) If the Secretary of State determines based on the certificates from all of the relevant county clerks that the petition to recall a public officer contains a number of valid signatures equal to 90 percent or more but less than 100 percent of the number of registered voters needed to make the petition sufficient, the Secretary of State is required to order the county clerks to verify all signatures. (NRS 293.1278, 293.1279)

Sections 2-~~4~~ 5 of this bill ~~+~~ revise the verification process for a petition to recall a public officer depending on whether the public officer who is the subject of the petition holds a statewide office. Section 1 of this bill defines the term "statewide office" to mean an elected state office voted upon in the general election by the registered voters of the entire State.

With regard to a petition for the recall of a public officer who does not hold such a statewide office, sections 2-5 of this bill: (1) eliminate the random sampling of a petition for the recall of **such** a public officer; ~~who holds a district, county or municipal office;~~ (2) require, instead, that each county clerk examine every signature for verification on a petition for the recall of **such** a public officer; ~~who holds a district, county or municipal office;~~ and (3) give the county clerks 20 days, excluding weekends and holidays, to conduct such verification.

~~Sections~~ **With regard to a petition for the recall of a public officer who holds such a statewide office, sections 2-5 of this bill:** (1) increase to at least

25 percent the random sampling requirement for a petition for the recall of such a public officer ~~; who holds state office;~~ and (2) give the county clerks 20 days, excluding weekends and holidays, to conduct such verification.

Section 17 of this bill requires ~~for a person who submits~~ the persons filing the notice of intent to circulate a petition for the recall of a public officer to pay the costs for the Secretary of State and county clerks to verify signatures on the petition, unless ~~the person submits~~ those persons submit a written declaration, signed by each of them under penalty of perjury, that :(1) paying the costs will cause ~~the person~~ an undue burden ~~to~~ on the monetary resources reasonably available to them; and (2) no persons were paid to circulate the petition for signatures, either by the persons filing the notice of intent or, to the best of their knowledge and belief, by any other person. If the persons filing the notice of intent submit such a written declaration, they are not liable for paying the costs of signature verification, unless it is proven in a civil action brought by the Secretary of State and county clerks that the written declaration contains any false statement of material fact.

Existing law sets forth limitations on making, soliciting and accepting a campaign contribution for a primary or general election. (Nev. Const. Art. 2, §10; NRS 294A.100) **Section 6** of this bill: (1) establishes a contribution limitation of \$5,000 for a special election to recall a public officer; and (2) sets forth the period during which such contributions may be made, solicited or accepted. **Section 7** of this bill provides that a contribution for a special election to recall a public officer does not affect the limitations on contributions to candidates for a primary or general election. **Sections 14.5 and 23.5** of this bill provide that the period during which a Legislator, the Lieutenant Governor, Lieutenant Governor-Elect, Governor and Governor-Elect are prohibited from accepting contributions for a political purpose before and after a session of the Legislature does not prohibit a candidate in a special election to recall a public officer from soliciting or accepting contributions for the special election.

Existing law sets forth requirements for reporting certain contributions, campaign expenses and expenditures relating to a special election to recall a public officer. If the legal sufficiency of a petition for the recall of a public officer is challenged and a district court determines that ~~for~~ the petition ~~for the recall of a public officer~~ is legally insufficient, certain persons, political parties, committees sponsored by political parties, committees for political action and committees for the recall of a public officer are required to report such contributions, campaign expenses and expenditures not later than 30 days after the district court orders the filing officer to cease proceedings regarding the petition. However, existing law does not set forth specific reporting requirements for situations when the district court's decision is appealed or when the district court determines that the petition is legally sufficient and that decision is appealed. (NRS 294A.120, 294A.140, 294A.200, 294A.210, 294A.270, 294A.280) **Sections 8, 9 and 11-14** of this bill ~~require~~

~~an additional report if~~ : **(1) specify reporting requirements for those situations when** the district court's decision is appealed ~~that is due~~ ; **and (2) require reports to be filed** not later than 30 days after the date on which all appeals regarding the petition for the recall of a public officer are exhausted.

Sections 13 and 14 of this bill add requirements for a committee for the recall of a public officer to file additional campaign finance reports of contributions and expenditures during the time that a petition for the recall of a public officer is circulated for signatures.

Existing law requires a candidate who is elected to office to dispose of unspent contributions in various ways, including using the money in the candidate's next election. A candidate who is not elected to office must dispose of unspent contributions and is not allowed to use the money in a future election. (NRS 294A.160) **Section 10** of this bill requires every candidate for office at a special election to recall a public officer to dispose of unspent contributions and prohibits any such candidate from using the money in a future election. **Section 11** of this bill requires such a candidate to submit a report to the Secretary of State setting forth how he or she disposed of unspent contributions.

Existing law authorizes a person who signs a petition for the recall of a public officer to submit: (1) a request to the county clerk to remove the person's name from the petition before the petition is submitted for verification; and (2) a request to the Secretary of State to remove the person's name from the petition after the completion of signature verification. (NRS 306.015, 306.040) **Section 20** of this bill authorizes a person to submit a request to the county clerk to remove the person's name from the petition at any time before the signature verification is completed. **Section 23** of this bill authorizes a person to submit to the filing officer a request to remove the person's name from the petition after the signature verification is completed.

Existing law requires the persons filing the notice of intent to submit the petition that was circulated for signatures within 90 days after the date on which the notice of intent was filed. (NRS 306.015) **Section 20** requires the persons to submit the signatures collected during the first 45 days of circulating the petition on or before the 48th day after the date on which the notice of intent was filed. **Section 20** also requires the remaining signatures collected to be submitted to the filing officer on or before the 90th day after the notice of intent was filed.

Existing law authorizes a person to file a complaint challenging the legal sufficiency of a petition to recall a public officer not more than 5 days after the Secretary of State notifies the county clerk, filing officer and public officer who is the subject of the petition that the petition contains a sufficient number of signatures. (NRS 306.040) **Section 23** amends the deadline for filing such a complaint to not later than 15 days, Saturdays, Sundays and holidays excluded, after such notification.

Existing law provides that a person is guilty of a misdemeanor for misrepresenting the intent or content of a petition for the recall of a public

officer. (NRS 306.025) **Section 21** of this bill revises this existing criminal offense to provide that a person shall not knowingly or under circumstances amounting to criminal negligence engage in certain criminal offenses relating to: (1) misrepresenting the intent or content of a petition for the recall of a public officer; or (2) obtaining a false, forged or unauthorized signature on such a petition. Section 21 also increases the penalty for these criminal offenses to a category E felony, punishable by a minimum term of not less than 1 year and a maximum term of not more than 4 years in prison. ~~Section 18 of this bill provides that it is also a category E felony for a person to knowingly or negligently obtain a false signature on a petition for the recall of a public officer. Section~~ With regard to the standard of criminal negligence used in section 21, the Nevada Supreme Court has stated that “[s]imilar to our definition of gross negligence, criminal negligence has been described as ‘a gross deviation from the standard of care that a reasonable person would observe in the actor’s situation.’” (Cornella v. Churchill Cnty., Justice Ct. of New River Twp., 132 Nev. 587, 594 (2016) (quoting Model Penal Code § 2.02(2)(d) (Am. Law Inst., Official Draft & Revised Comments 1980)))

In addition to the criminal penalties established by this bill, section 19 of this bill sets forth certain civil penalties for violations of the provisions of law relating to a petition for the recall of a public officer.

Section 24 of this bill declares void certain regulations that would conflict with the amendatory provisions of this bill.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

“Statewide office” means an elected state office whose candidates are voted upon in the general election by the registered voters of the entire State.

Sec. 1.3. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

~~Section 1.1~~ **Sec. 1.7.** NRS 293.127565 is hereby amended to read as follows:

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be designated for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall:

(a) Designate the area at the building for the gathering of signatures; and

(b) On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. Not later than 3 working days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee violated subsection 1 or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, ~~306.035~~ **306.015** or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, ~~306.035~~ **306.015** or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

Sec. 2. 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 ~~1, 306.035~~ or 306.110, ***within 20 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 306.035,*** 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~~ ***subsections 3 ~~1~~ and 4,*** 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:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer ~~that~~ who holds a statewide office, at least 25 percent of the signatures.

↪ 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. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. 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~~ 6, 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~~ 6. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;

(b) 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; or

(c) A person registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative,
 ↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

~~6~~ 7. 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~~ 8. Except as otherwise provided in subsection ~~9~~ 10, 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 *pursuant to NRS 306.015* ~~for~~ ***for a petition to recall a public officer ~~that~~ who holds a statewide office, if applicable.***

~~8-~~ **9.** 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-~~ **10.** 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-~~ **11.** The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 3. NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or *pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable*, and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of those certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or *pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable*, shall remove each name as requested, amend the certificate and transmit the amended certificate to the Secretary of State. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of the amended

certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

Sec. 4. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or *pursuant to NRS 306.015* ~~††~~ *for a petition to recall a public officer who holds a statewide office, if applicable*, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 ~~††~~ or *pursuant to NRS 306.015* ~~††~~ *for a petition to recall a public officer who holds a statewide office, if applicable*, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or *pursuant to NRS 306.015* ~~††~~ *for a petition to recall a public officer who holds a statewide office, if applicable*, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or *pursuant to NRS 306.015* ~~††~~ *for a petition to recall a public officer who holds a statewide office, if applicable*, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until the county clerk has removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative or referendum that proposes a constitutional amendment or statewide measure, if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to NRS 295.055, the Secretary of State may order a county clerk to examine every signature for verification.

3. After the receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. This determination must be completed within 12 days, excluding Saturdays, Sundays and holidays, after the receipt of an order regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 ~~1-306.035~~ or 306.110, **or pursuant to NRS 306.035 for a petition to recall a public officer who holds a statewide office**, and within 5 days, excluding Saturdays, Sundays and holidays, after the receipt of an order regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition and in determining in which petition district the voters reside, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk or county clerks shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. In the case of a petition for initiative or referendum to propose a constitutional amendment or statewide measure, if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

5. 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 forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary of State shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the filing officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 293.12795 is hereby amended to read as follows:

293.12795 1. If an appeal is based upon the results of the verification of signatures on a petition performed pursuant to NRS 293.1277 or 293.1279, the Secretary of State shall:

(a) If the Secretary of State finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the Secretary of State determines are valid. If the county clerk has not yet removed each name as requested pursuant to NRS 295.055 or *pursuant to NRS 306.015* ~~for a petition to recall a public officer who holds a statewide office~~, the county clerk shall do so before recertifying the petition.

(b) If the Secretary of State does not find for the appellant, notify the appellant and the county clerk that the petition remains insufficient.

2. If the Secretary of State is unable to make a decision on the appeal based upon the documents submitted, the Secretary of State may order the county clerk to reverify the signatures.

3. The decision of the Secretary of State is a final decision for the purposes of judicial review. The decision of the Secretary of State may only be appealed in the First Judicial District Court.

Sec. 6. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not make or commit to make a contribution or contributions to a candidate in a special election to recall a public officer, in an amount which exceeds \$5,000, regardless of the number of candidates for the office.

2. No contribution to a candidate in a recall election may be given or received except during the period:

(a) Beginning on the date that a notice of intent to recall a public officer is filed pursuant to NRS 306.015; and

(b) Ending ~~for~~ on the latest of the following dates:

(1) If a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, on the date that the notice of intent expires or the petition is determined to be legally insufficient, as applicable.

(2) If the legal sufficiency of a petition for recall is challenged and a district court determines that ~~for~~ the petition ~~for recall~~ is legally ~~insufficient~~ :

(I) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, on the date on which all appeals regarding the petition are exhausted.

(II) Insufficient pursuant to chapter 306 of NRS ~~for~~

~~(I) Except as otherwise provided in sub-subparagraph (II) and subparagraph (3), on the date [of] on which the period to appeal the order of the district court f~~

~~(II) If] expires or, if the order of the district court is appealed, on the date on which all appeals regarding the petition are exhausted.~~

(3) If a recall election is held, on the date of the special election to recall a public officer.

3. No contribution made, committed to be made or accepted pursuant to this section for a special election to recall a public officer affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to NRS 294A.100 for a primary election or general election.

4. A candidate shall not accept a contribution or commitment to make a contribution made in violation of this section.

5. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election, regardless of the number of candidates for the office, and \$5,000 for the general election, regardless of the number of candidates for the office, during the period:

(a) Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. No contribution made, committed to be made or accepted pursuant to this section to a candidate for a primary election or general election affects the limitations on the amount of contributions that may be committed, contributed or accepted pursuant to section 6 of this act for a special election to recall a public officer.

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 8. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for office at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:

(a) Each contribution in excess of \$100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed \$100;

(c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

2. In addition to the requirements set forth in subsection 1, every candidate for office at a primary election or general election shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ↪ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

3. Except as otherwise provided in subsections 4, 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through the 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If the legal sufficiency of a petition for recall is challenged and a district court determines that ~~the~~ the petition ~~for recall~~ is legally ~~insufficient~~

;

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding

the petition are exhausted, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

(b) Insufficient pursuant to ~~subsection 6 of NRS 306.040,~~ **chapter 306 of NRS,** every candidate for office at a special election to determine whether a public officer will be recalled shall ~~not~~ :

~~(a)~~ **(1)** Not later than 30 days after **the date on which** the district court orders the **filing** officer ~~with whom the petition is filed~~ to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.

~~(b)~~ **(2)** **Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each contribution described in paragraphs (a), (b) and (c) of subsection 1 received during the period and the balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period.**

7. In addition to complying with the applicable requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary election, general election or special election, he or she must, not later than January 15 of each year, report the information described in paragraphs (a) to (d), inclusive, of subsection 1 for the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this subsection:

(a) Requires the candidate to report information described in paragraphs (a) to (d), inclusive, of subsection 1 that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate for another office at a primary election, general election or special election during his or her term of office.

8. Except as otherwise provided in NRS 294A.3733, reports of contributions must be filed electronically with the Secretary of State.

9. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

10. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 9. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

3. In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ↪ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of \$1,000 received and contributions received which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that ~~the~~ the petition ~~for recall~~ is legally ~~insufficient~~

;

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.

(b) Insufficient pursuant to ~~subsection 6 of NRS 306.040,~~ chapter 306 of NRS, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall ~~not~~:

~~*(a)*~~ *(1) Not later than 30 days after the date on which the district court orders the filing officer ~~(with whom the petition is filed)~~ to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.*

~~*(b)*~~ *(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.*

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

10. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

11. Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

12. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$1,000 and contributions which a contributor has made cumulatively in excess of \$1,000 since the beginning of the current reporting period.

Sec. 10. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. ~~Every~~ **Except as otherwise provided in subsection 5, every** candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. ~~Every~~ **Except as otherwise provided in subsection 5, every** candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy or an acceptance of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. **Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later than the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to section 6 of this act.**

6. Every candidate for office who withdraws after filing a declaration of candidacy or an acceptance of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of \$5,000 to the contributor.

~~16.1~~ 7. Except for a former public officer who is subject to the provisions of subsection ~~10.1~~ **II**, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

↪ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

~~7~~ **8.** Except as otherwise provided in subsection ~~8~~ **9**, every public officer who:

- (a) Does not run for reelection to the office which he or she holds;
- (b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and
- (c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

~~8~~ **9.** Every public officer who:

- (a) Resigns from his or her office;
- (b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and
- (c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

~~9~~ **10.** Except as otherwise provided in subsection ~~10~~ **11**, every public officer who:

- (a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;
- (b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100; and
- (c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100.

~~10~~ **11.** Every former public officer described in subsection ~~9~~ **10** who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

- (a) File a declaration of candidacy or an acceptance of candidacy; or
 - (b) Appear on an official ballot at any election,
- ↪ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for

expenditure through one or any combination of the methods set forth in subsection 4.

~~¶11.1~~ **12.** In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~¶12.1~~ **13.** Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

~~¶13.1~~ **14.** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~¶14.1~~ **15.** As used in this section:

(a) “Contribution” includes, without limitation, any interest and other income earned on a contribution.

(b) “Qualifying contribution” means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 4 of NRS 294A.005.

Sec. 11. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for office at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 3 of NRS 294A.286 which are \$100 or less.

2. In addition to the requirements set forth in subsection 1, every candidate for office at a primary election or general election shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year, ↪ report each of the campaign expenses described in subsection 1 incurred during the period.

3. Except as otherwise provided in subsections 4, 5 and 6 and NRS 294A.223, every candidate for office at a special election shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each of the campaign expenses described in subsection 1 incurred during the period.

4. Except as otherwise provided in subsections 5 and 6 and NRS 294A.223, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each of the campaign expenses described in subsection 1 incurred during the period.

5. Except as otherwise provided in subsection 6, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every candidate for office at a special election to determine whether a public officer will be recalled shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the candidate for office at a special election if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

6. If the legal sufficiency of a petition for recall is challenged and a district court determines that ~~the~~ the petition ~~for recall~~ is legally ~~insufficient~~

;

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every candidate for office at a special election to determine whether a public officer will be recalled shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each of the campaign expenses described in subsection 1 incurred during the period.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

(b) Insufficient pursuant to ~~subsection 6 of NRS 306.040,~~ chapter 306 of NRS, every candidate for office at a special election to determine whether a public officer will be recalled shall ~~not~~:

~~(a)~~ (1) Not later than 30 days after the date on which the district court orders the filing officer ~~with whom the petition is filed~~ to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each of the campaign expenses described in subsection 1 incurred during the period.

~~(b)~~ (2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each of the campaign expenses described in subsection 1 incurred during the period.

7. In addition to complying with the applicable reporting requirements of subsections 1 to 6, inclusive, if a candidate is elected to office at a primary election, general election or special election, he or she must, not later than January 15 of each year, report each of the campaign expenses described in subsection 1 incurred during the period beginning January 1 of the previous year and ending on December 31 of the previous year. The provisions of this subsection apply to the candidate until the year immediately preceding the next election year for that office. Nothing in this section:

(a) Requires the candidate to report a campaign expense that has previously been reported in a timely manner pursuant to subsections 1 to 6, inclusive; or

(b) Authorizes the candidate to not comply with the applicable requirements of subsections 1 to 6, inclusive, if he or she becomes a candidate

for another office at a primary election, general election or special election during his or her term of office.

8. ~~¶¶~~ *Except as otherwise provided in subsection 9, if* a candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286 in any calendar year for which the candidate is not required to file a report pursuant to other provisions of this section, the candidate shall on or before January 15 of the following year, for the period beginning January 1 and ending on December 31 of the calendar year, report:

(a) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or 294A.286 during the period; and

(b) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or 294A.286 which are \$100 or less.

9. *If a candidate for office at a special election to determine whether a public officer will be recalled disposes of contributions pursuant to subsection 5 of NRS 294A.160, the candidate shall, on or before the 15th day of the second month following the last day for the candidate to receive a contribution pursuant to section 6 of this act, report:*

(a) Each amount in excess of \$100 disposed of pursuant to subsection 5 of NRS 294A.160; and

(b) The total of all amounts disposed of during the period pursuant to subsection 5 of NRS 294A.160 which are \$100 or less.

10. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~¶¶~~ 11. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 12. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. The provisions of this section apply to:

(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of \$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

3. In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,
↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

→ report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each of the campaign expenses described in subsection 1 incurred during the period. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

- (a) Is not submitted to the filing officer as required by chapter 306 of NRS;
- (b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or
- (c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition ~~for recall~~ is legally ~~insufficient~~:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and

independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.

(b) Insufficient pursuant to ~~subsection 6 of NRS 306.040,~~ **chapter 306 of NRS,** every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall ~~not~~ :

~~(a)~~ **(1) Not later than 30 days after the date on which the district court orders the filing officer with whom the petition is filed to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's order, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.**

~~(b)~~ **(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted, report each independent expenditure or other expenditure, as applicable, in excess of \$1,000 made during the period and independent expenditures or expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000.**

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each independent expenditure or other expenditure, as applicable, made during the period in excess of \$1,000 and independent expenditures or other expenditures, as applicable, made during the period to one recipient which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.

9. Independent expenditures and other expenditures made within the State or made elsewhere but for use within the State, including independent expenditures and other expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

10. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

11. If an independent expenditure or other expenditure, as applicable, is made for or against a group of candidates, the reports must be itemized by the candidate.

12. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 13. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in ~~subsections~~ **subsection 3**, ~~and 4,~~ each committee for the recall of a public officer shall, not later than:

(a) ***The 48th day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015, for the period:***

(1) From the earlier of:

(I) The date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015; or

(II) The date on which the committee first received any contribution, made any contribution or made any expenditure; and

(2) Ending on the 45th day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015.

(b) ***The 93rd day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015, for the period:***

(1) From the 46th day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015; and

(2) Ending on the 90th day after the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015.

(c) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from ***91st day after the date on which*** the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

~~+(b)~~ (d) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

~~+(e)~~ (e) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each contribution received or made by the committee for the recall of a public officer during the period in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

2. Except as otherwise provided in subsection 3, if a petition for the recall of a public officer is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent,

report each contribution received by the committee for the recall of a public officer, and each contribution made by the committee for the recall of a public officer in excess of \$100 and contributions made to one recipient which cumulatively exceed \$100 ~~that has not otherwise~~, **except for contributions that already have been reported pursuant to paragraph (a) of subsection 1.** The provisions of this subsection apply to the committee for the recall of a public officer if the committee:

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If **the legal sufficiency of a petition for recall is challenged and a district court determines that the petition [for the recall of the public officer] is legally [insufficient] :**

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, the committee for the recall of a public officer shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100, except for contributions that already have been reported pursuant to paragraph (a) of subsection 1.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

(b) Insufficient pursuant to [subsection 6 of NRS 306.040,] chapter 306 of NRS, the committee for the recall of a public officer shall [not] :

~~**(c) (1) Not later than 30 days after the date on which the district court orders the filing officer [with whom the petition is filed] to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.**~~

~~—(b)†~~, **except for contributions that already have been reported pursuant to paragraph (a) of subsection 1.**

(2) Not later than 30 days after the date on which all appeals regarding the ~~{district court order}~~ petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the ~~{district court's}~~ petition are exhausted, report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.

4. ~~If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:~~

~~—(a) Twenty one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;~~

~~—(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and~~

~~—(c) The 15th day of the second month after the special election, for the remaining period through the date of the special election;~~

~~→ report each contribution received or made by the committee for the recall of a public officer in excess of \$100 and contributions received from a contributor or made to one recipient which cumulatively exceed \$100.~~

~~—5†~~ Except as otherwise provided in NRS 294A.3737, each report of contributions must be filed electronically with the Secretary of State.

~~{6†~~ 5. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~{7†~~ 6. The name and address of the contributor or recipient and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation.

Sec. 14. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in ~~{subsections}~~ **subsection 3**, ~~{and 4,}~~ each committee for the recall of a public officer shall, not later than:

(a) ***The 48th day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015, for the period:***

(1) From the earlier of:

(I) The date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015; or

(II) The date on which the committee first received any contribution, made any contribution or made any expenditure; and

(2) Ending on the 45th day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015.

(b) The 93rd day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015, for the period:

(1) From the 46th day after the date on which the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015; and

(2) *Ending on the 90th day after the notice of intent to circulate the recall petition was filed pursuant to NRS 306.015.*

(c) Four days before the beginning of early voting by personal appearance for the special election to recall a public officer, for the period from **91st day after the date on which** the notice of intent to circulate the petition for recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

~~[(b)]~~ (d) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

~~[(e)]~~ (e) Thirty days after the special election, for the remaining period through the date of the special election,

↪ report each expenditure made by the committee for the recall of a public officer during the period in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

2. Except as otherwise provided in subsection 3, if a petition for the recall of a public officer is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of chapter 306 of NRS, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100 ~~[-and has not otherwise]~~, **except for expenditures that already have been reported pursuant to paragraph (a) of subsection 1.** The provisions of this subsection apply to the committee for the recall of a public officer if the committee:

(a) Fails to submit the petition to the filing officer as required by chapter 306 of NRS;

(b) Submits the petition to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Otherwise submits a legally insufficient petition or suspends or ceases its efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS.

3. If **the legal sufficiency of a petition for recall is challenged and** a district court determines that ~~[(a)]~~ **the** petition ~~[(for the recall of the public officer)]~~ is legally ~~[(insufficient)]~~ :

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, the committee for the recall of a public officer shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which

cumulatively exceed \$100, except for expenditures that already have been reported pursuant to paragraph (a) of subsection 1.

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.

(b) Insufficient pursuant to ~~subsection 6 of NRS 306.040,~~ *chapter 306 of NRS,* the committee for the recall of a public officer shall ~~not~~ :

~~[(a)]~~ *(1) Not later than 30 days after the date on which* the district court orders the *filing* officer ~~[with whom the petition is filed]~~ to cease any further proceedings regarding the petition, for the period from the filing of the notice of intent to circulate the petition for recall through the day of the district court's order, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100 ~~[and has not otherwise]~~, *except for expenditures that already have been reported pursuant to paragraph (a) of subsection 1.*

~~[(b)]~~ *(2) Not later than 30 days after the date on which all appeals regarding the [district court order] petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the [district court's] petition are exhausted, report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.*

4. ~~If the special election is held on the same day as a primary election or general election, the committee for the recall of a public officer shall, not later than:~~

~~—(a) Twenty one days before the special election, for the period from the filing of the notice of intent to circulate the petition for recall through 25 days before the special election;~~

~~—(b) Four days before the special election, for the period from 24 days before the special election through 5 days before the special election; and~~

~~—(c) The 15th of the second month after the special election, for the remaining period through the date of the special election;~~

~~→ report each expenditure made by the committee for the recall of a public officer in excess of \$100 and expenditures made to one recipient which cumulatively exceed \$100.~~

~~—5.]~~ Except as otherwise provided in NRS 294A.3737, each report of expenditures must be filed electronically with the Secretary of State.

~~[6.]~~ 5. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

~~[7.]~~ 6. The name and address of the recipient and the date on which the expenditure was made must be included on the report for each expenditure, whether to a natural person, association or corporation.

Sec. 14.5. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. ~~It~~ ***Except as otherwise provided in ~~subsection 4,~~ this section, it*** is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

2. ~~It~~ ***Except as otherwise provided in ~~subsection 3,~~ this section, a*** person shall not make or commit to make a contribution or commitment prohibited by subsection 1.

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during ~~a session of the Legislature~~ ***the period set forth in subsection 1*** if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

4. ***This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted***

by a person pursuant to section 6 of this act. The provisions of this subsection do not authorize:

(a) A person to accept or solicit a contribution, or solicit or accept a commitment to make such a contribution, other than a contribution authorized pursuant to section 6 of this act.

(b) A person to make or commit to make a contribution other than a contribution authorized pursuant to section 6 of this act.

5. As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 15. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, even though the candidate:

- (a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;
- (b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;
- (c) Receives no contributions;
- (d) Has no campaign expenses;
- (e) Is not opposed in the election by another candidate;
- (f) Is defeated in the primary election;
- (g) Is removed from the ballot by court order; or
- (h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 that are due after the candidate disposes of any unspent or excess contributions as provided in subsections 4, ~~and 5~~ **and 6** of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 16. Chapter 306 of NRS is hereby amended by adding thereto the provisions set forth as sections 17, 18 and 19 of this act.

Sec. 17. 1. *Except as otherwise provided in subsection 2:*

(a) *If the persons filing a notice of intent to circulate a petition for the recall of a public officer ~~is submitted~~ submit the petition to the filing officer for signature verification pursuant to paragraph (b) of subsection 3 of NRS 306.015, the filing officer shall not submit the petition to the county clerk for signature verification pursuant to NRS ~~293.1276 to 293.1279, inclusive,~~ 306.035, unless the ~~person who submits the petition must~~ persons filing the notice of intent deposit in advance the estimated costs of the signature verification with the filing officer, including, without limitation, the estimated costs for the Secretary of State and the county clerk of each county from which signatures on the petition were gathered to perform the requirements set forth in NRS 293.1276 to 293.1279, inclusive.*

(b) *Upon completion of the verification of signatures, the Secretary of State and each county clerk who verified signatures on ~~the~~ the petition ~~for the recall of a public officer~~ shall submit to the filing officer a statement of the actual costs incurred for carrying out the provisions of NRS 293.1276 to 293.1279, inclusive.*

(c) *If the sum deposited pursuant to paragraph (a) is:*

(1) *In excess of the actual costs of the signature verification, the excess must be refunded to the ~~person~~ persons filing the notice of intent who submitted the petition for signature verification.*

(2) *Less than the actual costs of the signature verification, the ~~person~~ persons filing the notice of intent who submitted the petition for signature verification shall, upon demand, pay the deficiency to the filing officer who shall distribute the money to the Secretary of State and county clerks, as applicable.*

2. *The provisions of subsection 1 do not apply if, at the time of submitting the ~~person who submits a~~ petition ~~for the recall of a public~~ to the filing officer for signature verification, the persons filing the notice of intent also ~~submits~~ submit to the filing officer a written declaration, signed by each person under penalty of perjury, that:*

(a) *Paying the costs of the signature verification would cause the ~~person~~ persons filing the notice of intent an undue burden ~~to~~ on the monetary resources reasonably available to them; and*

(b) *No person was paid to circulate the petition for signatures ~~or~~ ~~if~~, or was promised to be paid or will be paid for having circulated the petition for signatures, by the persons filing the notice of intent or, to the best of their knowledge and belief, by any other person, including, without limitation, any committee for the recall of a public officer as defined in NRS 294A.006.*

3. *Except as otherwise provided in subsection 4, if the persons filing the notice of intent sign and submit a written declaration ~~submitted~~ pursuant to ~~this~~ subsection 2, the filing officer shall submit the petition to the county*

clerk for signature verification pursuant to NRS 306.035, and the persons filing the notice of intent must not be held liable for paying the costs of the signature verification.

4. In addition to any criminal or civil penalty, if the persons filing the notice of intent sign and submit a written declaration pursuant to subsection 2 and the written declaration contains any false statement ~~of~~ of material fact, the Secretary of State and county clerks may bring ~~an~~ a civil action to recover the actual costs of the signature verification against each person who signed the ~~notice of intent pursuant to NRS 306.015. Each~~ written declaration, and each person who signed the ~~notice of intent~~ written declaration is jointly and severally liable for the actual costs of the signature verification.

~~3.~~ 5. The Secretary of State shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, defining the term "costs" for purposes of this section.

Sec. 18. ~~1. It is unlawful for any person in connection with a petition for the recall of a public officer to knowingly or negligently obtain a false signature.~~

~~2. A person who violates a provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130. (Deleted by amendment.)~~

Sec. 19. 1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed \$20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the Attorney General or by any district attorney in a court of competent jurisdiction.

2. Each person who signs a notice of intent to circulate a petition for the recall of a public officer is jointly and severally liable for any civil penalty imposed pursuant to this section in relation to the petition for recall.

3. Any civil penalty collected pursuant to this section must be deposited by the collecting agency for credit to the State General Fund in the bank designated by the State Treasurer.

Sec. 20. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer.

2. The notice of intent:

(a) Must be signed by :

(I) ~~If the public officer ~~was elected to~~ holds a statewide office~~, three registered voters who actually ~~voted~~ :

(I) ~~Voted~~ in this State ~~for in the county, district or municipality electing the officer~~ at the ~~last preceding general~~ election ~~at~~ at which the public officer was elected; and

(II) ~~Reside in this State on the date that the notice of intent is filed with the filing officer.~~

(2) If the public officer ~~was elected to a county, district or municipal~~ does not hold a statewide office, three registered voters who actually:

(I) Voted in the county, district or municipality that the public officer represents at the ~~general~~ election at which the public officer was elected; and

(II) Reside in the county, district or municipality that the public officer represents on the date that the notice of intent is filed with the filing officer.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the date on which the call for a special election is issued, as set forth in NRS 306.040.

3. The petition may consist of more than one document ~~+~~ **and must be circulated for signatures and submitted to the filing officer in accordance with this subsection.** The persons filing the notice of intent shall submit *to the filing officer:*

(a) On or before the 48th day after the date on which the notice of intent was filed, all signatures that were collected on the petition ~~that was circulated for signatures to the filing officer within 90 days~~ during the period beginning on the date on which the notice of intent was filed and ending on the 45th day after the date on which the notice of intent was filed. If ~~such signatures are~~ any such signature is not timely submitted to the filing officer ~~+~~ pursuant to this paragraph, it shall be deemed that ~~any~~ the signature ~~collected on or before the 45th day after the date on which the notice of intent is filed~~ is not a valid signature.

(b) On or before the 90th day after the date on which the notice of intent was filed ~~+~~, all signatures that were collected on the petition during the period beginning on the 46th day after the date ~~after the date~~ on which the notice of intent was filed and ending on the date of submission of the petition to the filing officer ~~+~~ for signature verification pursuant to this paragraph. The circulation of the petition must cease on the date of submission of the petition to the filing officer for signature verification pursuant to this paragraph or on the 90th day after the date on which the notice of intent was filed, whichever occurs first. If the persons filing the notice of intent timely submit the petition to the filing officer for signature verification pursuant to this paragraph and comply with the provisions of section 17 of this act, the filing officer shall immediately submit the petition to the county clerk for the verification pursuant to NRS 306.035 ~~+~~ ~~+~~ of the signatures that were collected on the petition and timely submitted to the filing officer pursuant to this subsection.

4. Any person who fails to submit the petition to the filing officer as required by ~~this~~ subsection 3 is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

~~4.1~~ 5. The county clerk shall, upon completing the verification of the signatures on the petition, ~~it~~ pursuant to NRS 306.035, file the petition with the filing officer.

~~5.1~~ 6. Any person who signs a petition to recall any public officer may request that the county clerk remove the person's name from the petition by submitting a request in writing to the county clerk at any time before ~~the petition is submitted for~~ the verification of the signatures thereon ~~pursuant to NRS 306.035.~~

~~6. A person who signs a notice of intent pursuant to subsection 1 or a petition to recall a public officer is immune from civil liability for conduct related to the exercise of the person's right to participate in the recall of a public officer.~~

~~7. As used in this section, "filing officer" means the officer with whom the public officer to be recalled filed his or her declaration of candidacy or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175. It is completed.~~

Sec. 20.5. NRS 306.020 is hereby amended to read as follows:

306.020 1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the State or of the county, district or municipality that the public officer represents, as provided in this chapter and Section 9 of Article 2 of the Constitution of the State of Nevada.

2. A public officer who is appointed to serve the remainder of the unexpired term of an elective office ~~is~~ :

(a) Is subject to recall in the same manner as provided for ~~an~~ a public officer ~~who is~~ elected to that office ~~;~~

~~2.1~~ ; and

(b) For the purposes of recall, shall be deemed to have been elected to that office at the same election at which the former elected officeholder or candidate was elected before the vacancy in that office.

3. The petition to recall a public officer may be signed by any registered voter of the State or of the county, district, municipality or portion thereof that the public officer represents who actually voted in the election at which the public officer was elected.

~~3.1~~ 4. The petition must ~~in addition to setting~~ :

(a) Set forth the reason why the recall is demanded ~~;~~

~~(a)~~ , which must appear on each signature page of the petition;

(b) Contain the residence addresses of the signers and the date that the petition was signed;

~~(b)~~ (c) Contain a statement of the minimum number of signatures necessary to the validity of the petition;

~~(c)~~ (d) Contain at the top of each page and immediately above the signature line, in at least 10-point bold type, the words "Recall Petition";

~~(d)~~ (e) Include the date that a notice of intent was filed; and

~~{(e)}~~ (f) Have the designation: “Signatures of registered voters seeking the recall of (name of public officer for whom recall is sought)” on each page if the petition contains more than one page.

Sec. 21. NRS 306.025 is hereby amended to read as follows:

306.025 1. A person shall not **knowingly or under circumstances amounting to criminal negligence:**

(a) Misrepresent, attempt to misrepresent or assist or conspire with another person to misrepresent or attempt to misrepresent the intent or content of a petition for the recall of a public officer which is circulated pursuant to the provisions of this chapter; or

(b) Obtain, attempt to obtain or assist or conspire with another person to obtain or attempt to obtain a false, forged or unauthorized signature on a petition for the recall of a public officer which is circulated pursuant to the provisions of this chapter.

2. Any person who violates the provisions of subsection 1 is guilty of a ~~{misdemeanor}~~ **category E felony and shall be punished as provided in NRS 193.130.**

Sec. 22. (Deleted by amendment.)

Sec. 22.5. **NRS 306.035 is hereby amended to read as follows:**

306.035 1. Before a petition to recall a ~~{state}~~ **public** officer who ~~is elected~~ **holds a statewide office** is filed with the Secretary of State **as the filing officer** pursuant to subsection ~~44~~ **5** of NRS 306.015, each county clerk must verify, pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk’s county.

2. Before a petition to recall a ~~{State Senator, Assemblyman, Assemblywoman or a county, district or municipal}~~ **public** officer **who does not hold a statewide office** is filed **with the filing officer** pursuant to subsection ~~44~~ **5** of NRS 306.015, the county clerk must verify, pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signatures within the clerk’s county.

3. If more than one document was circulated, all the documents must be submitted to the clerk at the same time.

Sec. 23. 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 **filing 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}~~ A person who signs a petition to recall may request the ~~{Secretary of State}~~ **filing officer** to strike the person’s name from the petition ~~{}~~ **on or before the date that is the later of:**

(a) Ten days, Saturdays, Sundays and holidays excluded, after the verification of signatures is complete; or

(b) The date a complaint is filed pursuant to subsection 6.

3. 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~~ **filing officer receives a request pursuant to subsection 2, the filing officer must strike the name of the person from the petition. *If the filing officer receives a sufficient number of requests to strike names from the petition such that the petition no longer contains enough valid signatures, ~~no~~ the filing officer shall not issue a call for a special election, and a special election must not be held to recall ~~the~~ the public officer who is the subject of the petition. ~~may be held.~~***

~~3.4. Not~~

4. Except as otherwise provided in subsection 3, not sooner than ~~10~~ 20 days ~~nor more~~ and not later than ~~20~~ 30 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection ~~5~~ 6, the **filing** 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~~ 5. The call for a special election pursuant to subsection ~~3 or 6~~ 4 or 7 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election;

(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 pursuant to NRS 293.343 to 293.355, inclusive.

~~5~~ 6. The legal sufficiency of the petition, **including without limitation, the validity of signatures on the petition**, may be challenged by filing a complaint in district court not later than ~~5~~ 15 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~~ 7. Upon the conclusion of the hearing, if the court determines that the petition is **legally** sufficient, it shall order the **filing** 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 **legally** sufficient, it shall order the **filing** officer ~~with whom the petition is filed~~ to cease any further proceedings regarding the petition.

Sec. 23.5. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family, whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period ~~beginning:~~

~~— (a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;~~

~~— (b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if:~~

~~— (1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or~~

~~— (2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling~~

~~for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or~~

~~—(e) The day after:~~

~~—(1) The date on which the Governor issues the proclamation calling for the special session and ending 15 days after the final adjournment of the special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the date on which the Governor issues the proclamation calling for the special session; or~~

~~—(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions; } set forth in subsection 1 of NRS 294A.300 unless such act is otherwise authorized pursuant to subsection 4 of NRS 294A.300.~~

Sec. 24. The regulations adopted by the Secretary of State which are codified as NAC 306.010, 306.012 and 306.014 are hereby declared void. In preparing the supplements to the Nevada Administrative Code on or after passage and approval of this bill, the Legislative Counsel shall remove those regulations.

Sec. 24.5. The amendatory provisions of this act do not apply to a petition for the recall of a public officer if the notice of intent to circulate the petition was filed pursuant to NRS 306.015 before the effective date of this act.

Sec. 25. 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. 26. This act becomes effective upon passage and approval.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 874.

AN ACT relating to education; requiring the development of an electronic tool for providing documents concerning evaluations of educational employees to the employees; requiring certain licensed educational personnel to be evaluated pursuant to the statewide performance evaluation system; reducing the percentage of the evaluation of a teacher or certain administrators comprised by pupil performance; **requiring the evaluator of an educational employee to consider certain factors relating to the ratios of pupils per licensed teacher;** removing certain sanctions for a teacher or administrator

whose performance is designated as developing; requiring a study of the impact and validity of the statewide performance evaluation system; **requiring the Department of Education, in collaboration with the Teachers and Leaders Council, to make certain recommendations concerning the statewide performance evaluation system;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish a statewide performance evaluation system for evaluating the performance of educational employees. (NRS 391.465) **Section 1** of this bill requires the Department of Education to develop an electronic tool for providing documents concerning such evaluations to educational employees. **Section 2** of this bill makes a conforming change.

Existing law prescribes separate requirements concerning the evaluation of teachers and administrators, including: (1) administrators who provide primarily administrative services at the school level; and (2) administrators at the district level who provide direct supervision of the principal of a school. (NRS 391.680-391.720) Existing law additionally authorizes the State Board to provide for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators. (NRS 391.675) **Section 6** of this bill instead requires such other licensed educational personnel to be evaluated annually in a similar manner to teachers. **Sections ~~3-5~~ 3, 5 and 7** of this bill make conforming changes.

Existing law requires pupil growth to account for 40 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school. (NRS 391.465, 391.480) **Section 4** of this bill instead requires pupil growth to account for ~~20~~ **15** percent of the evaluation of a teacher or such an administrator ~~for~~ **beginning with** the 2019-2020 school year. ~~[Section 4.5 decreases this percentage to 15 percent for each school year thereafter.]~~ **Section 4 also requires an administrator who performs such an evaluation to consider any effects of the ratios of pupils per teacher that exceed the recommended ratios prescribed by the State Board. Section 10 of this bill requires the Department, in collaboration with the Teachers and Leaders Council, to make recommendations to the State Board concerning the necessary changes to the statewide performance evaluation system to address the reduced weight of pupil growth in evaluations.**

Existing law requires the overall performance of an educational employee to be designated as highly effective, effective, developing or ineffective. (NRS 391.465) Existing law: (1) authorizes a school district not to renew the contract of a probationary teacher or certain administrators whose performance is designated as developing or ineffective; and (2) requires a postprobationary employee whose performance is designated as developing or ineffective for 2 consecutive years to serve an additional probationary period. (NRS 391.725, 391.730) **Section 7** of this bill removes authorization for a school district not

to renew the contract of a probationary teacher or administrator whose performance is designated as developing. **Section 8** of this bill removes the requirement that a postprobationary employee whose performance is designated as developing for 2 consecutive years must serve an additional probationary period. **Section 9** of this bill requires the Department to enter into a contract with a consultant to study the impact and validity of the statewide performance evaluation system.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall, in consultation with the boards of trustees of school districts and the Council, develop an electronic tool for providing documents concerning evaluations conducted pursuant to NRS 391.680 to 391.730, inclusive, to teachers, administrators and other licensed educational personnel. The tool must allow an administrator who conducts an evaluation to:

- 1. Immediately share documents concerning the evaluation with the teacher, administrator or other licensed educational employee who is the subject of the evaluation; and*
- 2. Recommend professional development courses to improve the performance and knowledge of the teacher, administrator or other licensed educational employee who is the subject of the evaluation.*

Sec. 2. NRS 391.450 is hereby amended to read as follows:

391.450 As used in NRS 391.450 to 391.485, inclusive, **and section 1 of this act**, "Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.

Sec. 3. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level , ~~and~~ administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, **and other licensed educational personnel**, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil growth as required by NRS 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers, ~~and~~ administrators ***and other licensed educational personnel*** throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers, ~~and~~ administrators ***and other licensed educational personnel*** to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, ~~and~~ administrators ~~and~~ ***other licensed educational personnel; and***

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 4. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Developing; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph

(a) ~~and~~, ***which must include, without limitation, consideration of whether the***

classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for ~~40-20~~ **15** percent of the evaluation ~~of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal ~~or licensed educational employee, other than a teacher or administrator,~~ employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 4.5. ~~NRS 391.465 is hereby amended to read as follows:~~

~~391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS~~

~~391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.~~

~~— 2. The statewide performance evaluation system must:~~

~~— (a) Require that an employee's overall performance is determined to be:~~

~~— (1) Highly effective;~~

~~— (2) Effective;~~

~~— (3) Developing; or~~

~~— (4) Ineffective.~~

~~— (b) Include the criteria for making each designation identified in paragraph (a).~~

~~— (c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for [20] 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

~~— (d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.~~

~~— (e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.~~

~~— 3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.~~

~~— 4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools~~

~~of a school district must not be evaluated using the statewide performance evaluation system.~~ **(Deleted by amendment.)**

Sec. 5. NRS 391.485 is hereby amended to read as follows:

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers, ~~and~~ administrators **and other licensed educational personnel** who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole;

(b) Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and

(c) Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers, ~~and~~ administrators **and other licensed educational personnel** pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district, including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to NRS 391.480.

Sec. 6. NRS 391.675 is hereby amended to read as follows:

391.675 1. The State Board ~~may provide~~ **shall adopt regulations providing** for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, and determine the manner in which to measure the performance of such personnel, including, without limitation, whether to use pupil achievement data as part of the evaluation. **The regulations adopted pursuant to this section must require:**

(a) **The evaluation of each counselor, librarian or other licensed educational employee at least once each school year; and**

(b) **Such evaluations to be conducted, to the extent practicable, in a similar manner to the evaluations of teachers conducted pursuant to NRS 391.680 to 391.695, inclusive.**

2. **The counselor, librarian or other licensed educational employee must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the response of the employee must be permanently attached to the personnel file of the employee. Upon the request of the counselor, librarian or other licensed educational employee, a reasonable effort must be made to assist the employee to improve his or her performance based upon the recommendations reported in the evaluation of the employee.**

Sec. 7. NRS 391.725 is hereby amended to read as follows:

391.725 1. If a written evaluation of a probationary teacher, ~~for~~ a probationary administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal ~~or~~ **or a probationary licensed educational employee, other than a teacher or administrator**, designates the overall performance of the teacher, ~~for~~ administrator **or probationary licensed educational employee** as ~~“developing” or “ineffective”~~:

(a) The written evaluation must include the following statement: “Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive ~~a “developing” or~~ **an** ‘ineffective’ evaluation and are reemployed for a second or third year of your probationary period, you may request that your next evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance.”

(b) The probationary teacher, ~~for~~ probationary administrator ~~or~~ **probationary licensed educational employee**, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher, ~~for~~ probationary administrator **or probationary licensed educational employee, other than a teacher or administrator**, to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher, ~~for~~ probationary administrator ~~or~~ **probationary licensed educational employee, other than a teacher or administrator**, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher, ~~for~~ probationary administrator **or probationary licensed educational employee, other than a teacher or administrator** to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher, ~~for~~ probationary administrator **or probationary licensed educational employee, as applicable**, in improving his or her performance.

Sec. 8. NRS 391.730 is hereby amended to read as follows:

391.730 Except as otherwise provided in NRS 391.825, a postprobationary employee who receives an evaluation designating his or her overall performance as:

1. ~~{Developing;~~
- ~~2.}~~ Ineffective; or
- ~~{3.}~~ 2. Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,
 ↪ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.830, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 9. The Department of Education shall:

1. Enter into a contract with a consultant to study the impact and validity of the statewide performance evaluation system established pursuant to NRS 391.465 ~~{,}~~ **as amended by section 4 of this act.**

2. Request an allocation by the Interim Finance Committee from the Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 for the money needed to conduct the study.

3. On or before July 1, 2020:

- (a) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report of the findings of the study conducted pursuant to subsection 1; and

- (b) Present the findings of the study conducted pursuant to subsection 1 at a meeting of the Legislative Committee on Education.

Sec. 10. On or before January 1, 2020, the Department of Education, in collaboration with the Teachers and Leaders Council, shall provide to the State Board of Education recommendations concerning the manner in which to revise performance measures and the weight applicable to such measures in the statewide performance evaluation system established pursuant to NRS 391.465, as amended by section 4 of this act, to address the reduced weight of pupil growth in evaluations pursuant to the amendatory provisions of section 4 of this act. The Department may solicit the input of educational employees and other interested persons in developing its recommendations.

~~{Sec. 10.}~~ **Sec. 11.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~{Sec. 11.}~~ **Sec. 12. {1.}** This ~~{section and sections 1 to 4, inclusive, and 5 to 10, inclusive, of this}~~ act ~~{become}~~ **becomes** effective on July 1, 2019.

~~{2. Section 4.5 of this act becomes effective on July 1, 2020.}~~

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 538.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Senate Bills No. 207 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 538 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 2:44 p.m.

ASSEMBLY IN SESSION

At 2:59 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 80.

Bill read third time.

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

Assembly in recess at 3:01 p.m.

ASSEMBLY IN SESSION

At 3:04

Mr. Speaker presiding.

Quorum present.

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

Amendment No. 903.

AN ACT relating to criminal justice; creating the ~~{Office}~~ **Department** of ~~{the Nevada}~~ Sentencing ~~{Commission within the Office of the Governor}~~; **Policy;** providing for the appointment of the Executive Director and the selection of the staff of the ~~{Office}~~ **Department;** establishing the duties of the Executive Director and staff of the ~~{Office}~~ **Department;** revising the membership of the Nevada Sentencing Commission; transferring the

responsibility for staffing the Nevada Sentencing Commission to the ~~{Office;}~~ **Department**; revising the duties of the Nevada Sentencing Commission to reflect the newly created ~~{Office;}~~ **Department**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

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

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

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

Sec. 2. As used in NRS 176.0132 to 176.0139, inclusive, and sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 176.0132 and sections 2.5, 3 and 4 of this act have the meanings ascribed to them in those sections.

Sec. 2.5. “Department” means the Department of Sentencing Policy created by section 5 of this act.

Sec. 3. “Executive Director” means the Executive Director of the ~~Office~~ Department.

Sec. 4. ~~“Office” means the Office of the Nevada Sentencing Commission created by section 5 of this act.~~ (Deleted by amendment.)

Sec. 5. 1. ~~The ~~Office~~ Department of ~~the Nevada~~ Sentencing ~~Commission~~ Policy 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 Sentencing Commission.

3. The Executive Director:

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

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of NRS 176.0132 to 176.0139, inclusive, and sections 2 to 7, inclusive, of this act.

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

1. Oversee all of the functions of the ~~Office~~ Department.
2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.
3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the ~~Office~~ Department and provide such information to the Sentencing Commission as requested.
4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the ~~Office~~ Department.
5. Establish the budget for the ~~Office~~ Department.
6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.

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

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

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

~~10. 9. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0132 to 176.0139, inclusive, and sections 2 to 7, inclusive, of this act.~~

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

~~2. The research analyst:~~

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

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

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

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

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

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

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

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

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

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

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

176.0133 1. The Nevada Sentencing Commission is hereby created ~~and~~ within the Department. The Sentencing Commission consists of:

(a) One member appointed by the Governor;

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;

(e) The Director of the Department of Corrections;

(f) ~~The Attorney General;~~

~~(g)~~ One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

~~(h)~~ (g) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

~~(i) The State Public Defender;~~

(h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;

~~(i)~~ (i) One member who is a representative of the ~~office~~ **Office** of ~~the county public defender,~~ **the Washoe County Public Defender**, appointed by the ~~governing body of the State Bar~~ **head of Nevada,** ~~the Office of the Washoe County Public Defender;~~

~~(k)~~ (j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~(l)~~ (k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~(m)~~ (l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

~~(n)~~ (m) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~(o)~~ (n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

~~(p)~~ (o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

~~(q)~~ (p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

~~(r)~~ (q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

~~(s)~~ (r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

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

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

~~{4}~~ (u) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

176.0134 The Sentencing Commission shall:

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

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

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

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

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

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

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

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

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

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~↪~~
12. ~~[The] Submit the~~ report prepared pursuant to subsection 11 ~~[must be submitted] to [the] :~~

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

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

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

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

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

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

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

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

~~5. All other officers and employees authorized by law to be employed in the unclassified service.] (Deleted by amendment.)~~

Sec. 11.5. NRS 218D.216 is hereby repealed.

Sec. 12. 1. This section and section 9 of this act ~~[becomes] become~~ effective.

~~1. Upon upon passage and approval .~~

2. Sections 1 to 8, inclusive, 10, 11 and 11.5 of this act become effective:

(a) Upon passage and approval for the purpose of ~~[establishing]~~ **recruiting and selecting the Executive Director and employees of the ~~[Office] Department of [the Nevada] Sentencing ~~[Commission] Policy~~ created by section 5 of this act, including appointing the Executive Director of the Office,~~ and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act; and**

~~121~~ (b) On ~~July~~ **October** 1, 2019, for all other purposes.

TEXT OF REPEALED SECTION

218D.216 Requests from Nevada Sentencing Commission.

1. For a regular session, the Nevada Sentencing Commission created by NRS 176.0133 may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

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. 128.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 128 creates a tiered system for the maximum length of a vocational rehabilitation program ranging from 9 to 24 months and includes provisions allowing for the extension of a vocational rehabilitation program under certain conditions. The bill eliminates limits on the total length of a program and revises provisions relating to the total number of vocational rehabilitation programs potentially authorized by an insurer. It also increases the minimum lump-sum compensation in lieu of the provision of vocational rehabilitation services from 40 percent to 55 percent.

Roll call on Assembly Bill No. 128:

YEAS—32.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Krasner, Titus, Wheeler—8.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 224, as amended, revises the NV Grow Program which was established during the 2015 Legislative Session. The bill makes the following changes to the NV Grow program: It changes oversight; requires the Division of Workforce and Economic Development of the College of Southern Nevada to be responsible for selection and management of the lead counselor;

adds Henderson Chamber of Commerce and Asian Community Development Council; and is effective on July 1, 2019.

Roll call on Assembly Bill No. 224:

YEAS—39.

NAYS—Edwards.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

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

Amendment No. 887.

AN ACT relating to child care; requiring the Program for Child Care and Development to include measures to increase the availability of child care for children with disabilities; requiring **, to the extent of available money,** the Program to reimburse a portion of the cost of child care provided to a child of a parent enrolled in certain educational programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Child Care and Development Block Grant Act of 1990, a program that provides block grants to states to provide child care services for certain children. (42 U.S.C. §§ 9857 et seq.) To receive such a block grant, a state is required to submit a state plan that meets certain requirements and outlines the services that the state proposes to fund using the grant. (42 U.S.C. § 9858c) Existing Nevada law requires the Department of Health and Human Services to administer the Program for Child Care and Development in this State. (NRS 422A.338) This bill requires the state plan for the Program to include requirements that the Program: (1) include measures to increase the availability of child care for children with disabilities; and (2) **to the extent that money is available,** reimburse a portion of the cost of child care provided to the children of certain eligible parents who are enrolled in certain educational or vocational programs that award a degree or certificate. This bill further requires the Director of the Department to prepare an annual report for the Legislature concerning the plan.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law, the Director shall include in the state plan established for the Program for Child Care and Development pursuant to 42 U.S.C. § 9858c:*

(a) *Measures to increase the availability of child care for children with a disability, ~~including,~~ which may include, without limitation:*

(1) An enhanced rate of reimbursement ~~for other~~ for child care provided to a child with a disability by a provider that receives any training or technical assistance deemed appropriate by the Director for the care of that child;

~~(2) Other economic incentives for such child care ~~provided to a child with a disability by a provider that receives any training or technical assistance deemed appropriate by the Director for the care of that child; and~~~~

~~(2) Wrap-around~~; or

(3) The provision of supplemental services to child care facilities or persons who provide child care for the purpose of increasing access to child care for children with disabilities.

(b) *A requirement that, to the extent of money available, the Program provide reimbursement for a portion of the cost of child care provided to the child of a parent who is:*

(1) Enrolled in an educational or vocational program that awards a degree or certificate at a postsecondary educational institution or eligible institution; and

(2) Otherwise eligible to participate in the Program.

2. *On or before April of each even-numbered year, the Director shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Child Welfare and Juvenile Justice a report which must include:*

(a) A description of the measures included in the state plan pursuant to paragraph (a) of subsection 1; and

(b) Data concerning the usage of reimbursements pursuant to paragraph (b) of subsection 1.

3. *As used in this section:*

(a) "Eligible institution" has the meaning ascribed to it in NRS 396.916.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

~~(c) "Wrap-around services" means supplemental services provided to a child with a disability or the family of such a child that are not otherwise covered by any federal or state program of assistance.~~

Sec. 1.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 2. This act becomes effective:

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

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

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 364.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Assembly Bill 364 allows for the creation of a bonded title for manufactured homes. It also creates a provision for transfer of the manufactured home to a designated beneficiary upon the death of the owner and it removes the requirement for a notarized signature from the buyer or transferee of a manufactured home.

Roll call on Assembly Bill No. 364:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 364 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

Assembly Bill 502 makes a \$500,000 one-shot General Fund appropriation to the Office of Finance to fund an electronic tracking system for capital improvement projects managed by the Department of Administration, State Public Works Division.

Roll call on Assembly Bill No. 502:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 507 makes a General Fund appropriation of \$822,498 to the Nevada Department of Corrections for the replacement of buses. The bill also makes a General Fund appropriation of \$1.7 million for the replacement of other vehicles. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 507:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

Assembly Bill 509 makes a \$543,488 General Fund appropriation to the Nevada Equal Rights Commission to fund a case management and client intake system. This bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 509:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 518 appropriates General Funds totaling \$1,565,311 in FY 2019 to the Division of Public and Behavioral Health, Office of Health Administration budget in order to fund an unanticipated shortfall in the Division's cost allocation reimbursement revenues.

Roll call on Assembly Bill No. 518:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 520 provides one-time General Fund appropriations of \$1,472,521 in FY 2019 to the Division of Public and Behavioral Health, which includes \$353,612 for the purchase of computer hardware and software replacement equipment; \$112,000 for a new web-based health

services system for the Community Health Services program; \$21,000 for a skid-steer for the Southern Nevada Adult Mental Health Services campus; and \$985,909 for deferred maintenance, a phone system upgrade, and the purchase of a tractor for deferred maintenance and building and grounds repairs.

Roll call on Assembly Bill No. 520:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 527 amends NRS 425.3847 to implement a federally-mandated increase of the annual fee imposed for the collection of child support. Existing law requires custodial parents who have never received public assistance pay an annual fee for child support services. [The federal Bipartisan Budget Act of 2018] increased the amount of the mandatory annual fee from \$25 to \$35, effective October 2019. Assembly Bill 527 would also increase the threshold of any amount collected in the child support case from \$500 to \$550 before applying the annual fee.

Assembly Bill 527 is a budget implementation bill. [This bill is effective on October 1, 2019.]

Roll call on Assembly Bill No. 527:

YEAS—34.

NAYS—Edwards, Ellison, Hafen, Hansen, Titus, Wheeler—6.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 527 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 530 requires the Department of Taxation to conduct a background investigation of its employees and contractors every five years after the initial investigation and obtain information on the background or personal history of a prospective employee or contractor. The bill also requires a current contractor to submit information to the Department of Taxation for such background investigation when his or her contract is being renewed. This bill becomes effective on July 1, 2019.

Roll call on Assembly Bill No. 530:

YEAS—35.

NAYS—Edwards, Ellison, Hafen, Titus, Wheeler—5.

EXCUSED—Hambrick.

VACANT—1.

Commented [CL1]: <https://www.congress.gov/bill/115th-congress/house-bill/1892/text> section 53117

Commented [CC2]: Per Legislative Manual if no effective date specified.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 532.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 532 authorizes the Director of the Department of Motor Vehicles to enter into a contract with a vendor to provide for the issuance and tracking of temporary placards. In addition, A.B. 532 allows the vendor to charge and collect a fee for each temporary placard issued. This act becomes effective on July 1, 2019.

Roll call on Assembly Bill No. 532:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Assembly Bill No. 532 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Senate Bill 108 adjusts the membership of the Board of Directors for the Corporation for Public Benefit to Administer the Nevada Youth Legislature [NYL] to require the appointment by the Legislative Commission of at least one member each from the Nevada State Senate and Assembly, one member of the general public and, if practicable, a former member of the NYL. The measure changes from two to three the number of unexcused absences a member of the NYL may accrue before a vacancy in that seat occurs. Such absences, as determined by the chair or vice chair of the Board, may include absences from NYL meetings, incompletions of certain activities assigned by the Board, and missed or unsuccessful activity credits.

Roll call on Senate Bill No. 108:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Remarks by Assemblymen Hardy and Edwards.

ASSEMBLYWOMAN HARDY:

Senate Bill 126 repeals provisions requiring certain postprobationary administrators of a school district to apply every five years for reappointment to his or her position. The measure also removes provisions enabling an administrator not reappointed who was previously employed by

the district to be assigned to his or her former position. Provisions of S.B. 126 affect school-level postprobationary administrators below the rank of principal including, without limitation, an assistant principal or dean.

ASSEMBLYMAN EDWARDS:

I think S.B. 126 reverses some of the progress we have made. I think it also diminishes some of the accountability the school districts desperately need. I think it is a gross error for us to reverse this trend. We need to make sure the administrators are qualified, competent, and doing their jobs right. This bill diminishes our ability to do that. I urge you to vote against it.

Roll call on Senate Bill No. 126:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Kramer, Neal, Titus, Wheeler—7.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 151.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 850.

AN ACT relating to property; removing and revising certain provisions relating to actions for summary eviction; reorganizing procedures for summary eviction of a tenant of a commercial premise; revising provisions governing notices to surrender possession of real property or a mobile home; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) **Section 1.7** of this bill removes the provisions governing the summary eviction procedure for a tenant of a commercial premise, thereby making **section 1.7** solely applicable to summary eviction for the tenant of any dwelling, apartment, mobile home or recreational vehicle. **Section 1** of this bill reorganizes the summary eviction procedure for a tenant of a commercial premise.

Existing law requires the landlord or the landlord's agent to serve or have served a notice in writing informing the tenant that he or she must pay the rent or surrender the premises at or before the fifth full day following the day of service. (NRS 40.253) **Section 1.7** of this bill: (1) authorizes the landlord or landlord's agent to cause the notice to be served upon the tenant; and (2) increases the period that a tenant has to act after receiving such notice from at or before noon on the fifth full day to before the close of business of the court that has jurisdiction on the seventh judicial day.

Existing law authorizes a court, in an action for summary eviction, to order the removal of a tenant in default for rental payments. Existing law requires a

sheriff or constable to remove such a tenant within 24 hours after the court issues such an order. (NRS 40.253) **Section 1.7** revises the period of time before the removal of the tenant. **Section 1.7** requires a sheriff or constable to post the order for removal in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. **Section 1.7** then requires the sheriff or constable to remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order by the sheriff or constable.

~~[Existing law authorizes a landlord to utilize procedures for summary eviction when a tenant of a dwelling unit, part of a low rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of certain unlawful detainers. (NRS 40.254) Section 2 of this bill eliminates the ability of a landlord of a low rent housing program operated by a public housing authority to utilize such procedures for summary eviction. Section 2 also provides that the term "dwelling unit" does not include a unit of conventional public housing. Section 1.7 also provides that its provisions do not apply to conventional public housing. Sections 1.7 and 2 define "conventional public housing" for such purposes.]~~

Existing law provides that a person who holds over and continues in possession of real property or a mobile home which has been foreclosed or sold under certain circumstances may be removed pursuant to certain proceedings after a 3-day notice to surrender has been served. (NRS 40.255) **Section 3** of this bill additionally provides that an existing lease of residential property will remain in effect if the property is transferred or sold to a new owner under certain circumstances. **Section 3** provides for the duties and obligations of the tenant and the new owner.

Existing law requires a tenant to be served with certain notices to surrender. Existing law authorizes such service: (1) by delivering a copy of the notice to the tenant personally, in the presence of a witness, or by a sheriff, constable or certain other persons; (2) by leaving the notice with a person who meets certain qualifications at the place of residence or business of the tenant; or (3) by posting the notice on the rental property, delivering the notice to the person living there, if possible, and mailing a copy to the tenant. Existing law requires that proof of service of such notices must be filed with the court before the court orders removal or issues a writ of restitution. (NRS 40.280) **Section 4** of this bill provides that a notice to surrender the premises must be served by a sheriff, a constable, certain persons licensed as a process server or the agent of an attorney under certain circumstances. **Section 4** of this bill prescribes certain requirements for proof of service. **Sections 4.5-7.3** of this bill make conforming changes.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

↳ **As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.**

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter

stating that the tenant has tendered payment or is not in default in the payment of the rent; and

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.

4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3 at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance of the tenant with a notice served pursuant to subsection 1 or 2:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant pursuant to subsection 1 or 2 or in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed an affidavit described in paragraph (b) of subsection 3 and a file-stamped copy of the affidavit has been received by the landlord or the landlord's agent, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit and the filing by the landlord of an affidavit pursuant to paragraph (a) of subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court

may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. A tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

- (a) The tenant has vacated or been removed from the premises; and*
- (b) A copy of those charges has been requested by or provided to the tenant,*

↪ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Determine the costs due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and*
- (b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.*

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks.

Sec. 1.3. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, **and section 1 of this act**, unless the context requires otherwise:

1. "Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to

enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a residence or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

6. "Premises" includes a mobile home.

7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 1.7. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home ~~or~~ recreational vehicle ~~for commercial premises~~ with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent ~~[- unless otherwise agreed in writing,]~~ may ~~serve or have~~ **cause to be** served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) ~~At or before noon of~~ **Before the close of business on the ~~fifth full~~ seventh judicial** day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

↪ As used in this subsection, “day of service” means the day the landlord or the landlord’s agent personally delivers the notice to the tenant. If personal service was not so delivered, the “day of service” means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the “day of service” shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord’s agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in ~~paragraph (a) of~~ subsection ~~11~~ 2 of ~~NRS 40.280.~~ **section 1 of this act.** If the notice cannot be delivered in person, the landlord or the landlord’s agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord’s agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord’s agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant’s right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to ***post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall*** remove ~~the~~ tenant ~~within 24~~ ***not earlier than 24 hours but not later than 36 hours*** after ~~receipt~~ ***the posting*** of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant’s entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home ~~or~~ recreational vehicle ~~for commercial premises~~ are located or to the district court of the county in which the dwelling, apartment, mobile home ~~or~~ recreational vehicle ~~for commercial premises~~ are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to ***post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall*** remove the tenant ~~within 24~~ ***not earlier than 24 hours but not later than 36 hours*** after ~~receipt~~ ***the posting*** of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the

court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~for 118C.230~~ for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

- (a) The tenant has vacated or been removed from the premises; and
- (b) A copy of those charges has been requested by or provided to the tenant, ↪ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~for 118C.230~~ and any accumulating daily costs; and
- (b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of ~~a~~ ~~+~~ ~~(a) A~~ mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215. ~~+~~ ~~or~~

~~(b) Conventional public housing.~~

11. As used in this section ~~+~~ ~~(a) "Close", "close of business" means the close of business of the court that has jurisdiction over the matter.~~ ~~+~~

~~(b) "Conventional public housing".~~

~~—(1) Means any public housing program established pursuant to the United States Housing Act of 1937, 42 U.S.C. §§ 1437 et seq., in which the program subsidy is tied to the dwelling unit, and the housing is operated by a housing authority. For the purpose of this subparagraph, “housing authority” has the meaning ascribed to it in NRS 315.021.~~

~~—(2) The term does not include housing rented through the use of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.~~

Sec. 2. ~~[NRS 40.254 is hereby amended to read as follows:~~

~~40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, [part of a low rent housing program operated by a public housing authority,] a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord’s agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:~~

~~—(a) Be given to the tenant in accordance with the provisions of NRS 40.280;~~

~~—(b) Advise the tenant of the court that has jurisdiction over the matter; and~~

~~—(c) Advise the tenant of the tenant’s right to:~~

~~—(1) Contest the notice by filing before the court’s close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or~~

~~—(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.~~

~~2. The affidavit of the landlord or the landlord’s agent submitted to the justice court or the district court must state or contain:~~

~~—(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord’s agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.~~

~~—(b) The date when the tenancy or rental agreement allegedly terminated.~~

~~—(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.~~

~~—(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.~~

~~—(e) A statement that the claim for relief was authorized by law.~~

~~3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.~~

~~4. For the purpose of this section, the term "dwelling unit" does not include a unit of conventional public housing. As used in this subsection, "conventional public housing" has the meaning ascribed to it in NRS 40.253. (Deleted by amendment.)~~

Sec. 2.5. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. In any action for summary eviction pursuant to NRS 40.253 or 40.254 ~~††~~ **or section 1 of this act**, the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which denies or dismisses the action for summary eviction; or

(b) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 ~~††~~ **or subsection 3 of section 1 of this act**, if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 **or subsection 5 of section 1 of this act** within 30 days after the tenant filed the affidavit.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, the court may order the sealing of an eviction case court file:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

3. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

4. As used in this section, “eviction case court file” means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 3. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and ~~7~~ 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. *Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:*

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner’s interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

~~3-1~~ **5.** During the notice period described in subsection ~~2-1~~ **4:**

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

~~4-1~~ **6.** The notice described in subsection ~~2-1~~ **4** must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection ~~2-1~~ **4**; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction

proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

~~5.7.~~ 7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection ~~2.4.~~ 4.

~~6.8.~~ 8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection ~~2.4~~ 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection ~~2.4.~~ 4.

~~7.9.~~ 9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

~~8.10.~~ 10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 4. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 ~~and section 1 of this act~~, the notices required by NRS 40.251 to 40.260, inclusive, must be served ~~by~~:

~~(a) By delivering a copy to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, a constable, or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. or the agent of an attorney licensed to practice in this State:~~

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414; ~~or~~

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive ~~or~~; *or*

(d) An order for removal of a commercial tenant pursuant to section 1 of this act.

5. Proof of service of *notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue* an order or writ filed pursuant to *paragraph (a), (b) or (c) of* subsection 4 must consist of:

(a) Except as otherwise provided in ~~paragraphs~~ *paragraph (b) : ~~and (c):~~*

(1) If the notice was served pursuant to ~~paragraph (a) of~~ subsection 1 ~~or~~, *a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:*

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) *If the notice was served pursuant to* paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~{(2)}~~ (3) If the notice was served pursuant to ~~paragraph (b) or (c) of subsection 1 or~~ paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

~~(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.~~

~~(e)~~ For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of section 1 of this act, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney an action pursuant to NRS 40.290 to 40.420, inclusive; and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 4.5. NRS 40.385 is hereby amended to read as follows:

40.385 Upon an appeal from an order entered pursuant to NRS 40.253 ~~or section 1 of this act:~~

1. Except as otherwise provided in this subsection, a stay of execution may be obtained by filing with the trial court a bond in the amount of \$250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.

2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253 ~~or section 1 of this act.~~

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than \$500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes . ~~and may be served by:~~

~~—(1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;~~

~~—(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different;~~

~~or~~

~~—(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.}~~

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

- (1) You will be given at least 10 days to answer a summons and complaint;
- (2) If you do not file an answer, an order evicting you by default may be obtained against you;
- (3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and
- (4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 7. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes. ~~and may be served by:~~

~~—(1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;~~

~~—(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different;~~
~~or~~

~~—(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.~~

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.0805.

Sec. 7.1. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection 1 of NRS 40.253

†† or subsection 1 of section 1 of this act, as applicable.

Sec. 7.3. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized

representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of ~~NRS 40.253~~ **section 1 of this act**.

Sec. 7.5. (Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2019.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Assembly dispense with the reprinting of Senate Bill No. 151 and that the bill be placed at the top of General File for final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 151.

Bill read third time.

Remarks by Assemblywoman Peters.

ASSEMBLYWOMAN PETERS:

Senate Bill 151 authorizes the landlord or landlord's agent to cause to be served upon the tenant a notice informing the tenant that he or she must pay rent or surrender the premises. The bill has other things.

Roll call on Senate Bill No. 151:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—12.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 175.

Bill read third time.

The following amendment was proposed by Assemblyman Daly:

Amendment No. 895.

AN ACT relating to public works; **defining “discrete project”**; revising provisions relating to the authority of a public body to enter into a contract with a design-build team for the construction of certain public works; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a **public body in a county whose population is less than 100,000 may enter into contracts with a construction manager at risk for the construction of not more than two public works in a calendar year that are discrete projects. (NRS 338.169)** Under existing law, a public body **in any county** may contract with a design-build team for the design and construction of a discrete public works project if the public body has approved the use of the design-build team and the project has an estimated cost of more than \$5,000,000. ~~Furthermore, within~~ **Within** a 12-month period, a public body may contract with a design-build team for the design and construction of not more than two discrete public works projects which each have an estimated cost of \$5,000,000 or less. (NRS 338.171) ~~(This)~~

Section 1.5 of this bill eliminates the authority of a public body to contract with a design-build team for the design and construction of not more than two discrete public works projects per year which each have an estimated cost of \$5,000,000 or less, effective July 1, 2021. ~~(This)~~

Section 1 of this bill ~~also~~ defines a “discrete ~~project~~” as ~~one or more public works which are undertaken on a single construction site for a single public body.~~ **project.”**

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

Section 1. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. “Contract” means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. “Contractor” means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. **“Discrete project” means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.**

9. “Division” means the State Public Works Division of the Department of Administration.

~~9.~~ 10. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~10.~~ **11.** “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~11.~~ **12.** “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~12.~~ **13.** “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~13.~~ **14.** “Offense” means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 5 or 6 of NRS 338.070.

~~14.~~ **15.** “Prime contractor” means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

↪ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~15.~~ **16.** “Public body” means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~16.~~ **17.** “Public work” means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

- (d) Public highways;
- (e) Public streets and alleys;
- (f) Public utilities;
- (g) Publicly owned water mains and sewers;
- (h) Public parks and playgrounds;
- (i) Public convention facilities which are financed at least in part with public money; and
- (j) All other publicly owned works and property.

~~17.~~ **18.** “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~18.~~ **19.** “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

↳ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~19.~~ **20.** “Subcontract” means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

↳ for the provision of labor, materials, equipment or supplies for a construction project.

~~20.~~ **21.** “Subcontractor” means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~21.~~ **22.** “Supplier” means a person who provides materials, equipment or supplies for a construction project.

~~22.~~ **23.** “Wages” means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~23.~~ **24.** “Worker” means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 1.2. NRS 338.018 is hereby amended to read as follows:

338.018 The provisions of NRS 338.013 to 338.018, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$250,000 even if the construction work does not qualify as a public work, as defined in ~~subsection 17 of~~ NRS 338.010.

Sec. 1.3. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$250,000 even if the construction work does not qualify as a public work, as defined in ~~subsection 17 of~~ NRS 338.010.

Sec. 1.5. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.158 to 338.168, inclusive, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds \$5,000,000.

~~3. Within any 12 month period, a public body may contract with a design-build team for the design and construction of not more than two discrete public works projects, each of which have an estimated cost of \$5,000,000 or less if the public body has approved the use of a design-build team.~~

~~3. As used in this section, "discrete project" means one or more public works which are undertaken on a single construction site for a single public body. The term does not include one or more public works that are undertaken on multiple construction sites regardless of whether the public body which sponsors or finances the public works bundles the public works together.~~

Sec. 1.7. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

- (1) The length of time necessary to commence the project.
- (2) The number of workers estimated to be employed on the project.
- (3) The effectiveness of the project in reducing energy consumption.
- (4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.

(b) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Director of the Office of Energy and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) “Local government” means each city or county that meets the definition of “eligible unit of local government” as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in ~~subsection 13 of~~ NRS 338.010, that does not meet the definition of “eligible entity” as set forth in 42 U.S.C. § 17151.

(b) “Renewable energy” means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

↪ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) “Retrofit” means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 1.8. Section 31 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 28, is hereby amended to read as follows:

Sec. 31. 1. Except as otherwise provided in sections 21 to 37, inclusive, of this act and notwithstanding any other provision of law to the contrary:

(a) Any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement entered into pursuant to

sections 21 to 37, inclusive, of this act by the Stadium Authority, a developer partner or any related entity relating to the National Football League stadium project financed in whole or in part pursuant to sections 21 to 37, inclusive, of this act, and any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement that provides for the design, acquisition, construction, improvement, repair, demolition, reconstruction, equipment, financing, promotion, leasing, subleasing, management, operation or maintenance, or any combination thereof, of the National Football League stadium project or any portion thereof, or the provision of materials or services for the project are exempt from any law:

(1) Requiring competitive bidding or otherwise specifying procedures for the award of agreements of a type described in this paragraph;

(2) Specifying procedures for the procurement of goods or services;

or

(3) Limiting the term of any agreement of a type described in this paragraph.

(b) The provisions of chapter 341 of NRS do not apply to the National Football League stadium project financed in whole or in part pursuant to sections 21 to 37, inclusive, of this act or to any agreement of a type described in paragraph (a).

(c) The provisions of chapter 338 of NRS do not apply to the National Football League stadium project financed in whole or in part pursuant to sections 21 to 37, inclusive, of this act or to any agreement of a type described in paragraph (a), except that:

(1) The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement pertaining to the project even if the estimated cost of the construction work is not greater than \$250,000 or the construction work does not qualify as a public work, as defined in ~~subsection 17 of~~ NRS 338.010;

(2) Any person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the project shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive; and

(3) The Stadium Authority, any contractor who is awarded a contract or enters into an agreement to perform the construction, alteration, repair or remodeling of such an undertaking and any subcontractor on the undertaking shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the County had undertaken the project or had awarded the contract.

2. The Stadium Authority and any prime contractor, construction manager or project manager selected by the Stadium Authority or a developer partner shall competitively bid all subcontracts involving construction which the Stadium Authority determines can be competitively bid without affecting the quality of the National Football League stadium project. Any determination by the Stadium Authority that such a subcontract can or cannot be competitively bid without affecting the quality of the National Football League stadium project is conclusive in the absence of fraud or a gross abuse of discretion. The Stadium Authority shall establish one or more procedures for competitive bidding which:

- (a) Must prohibit bidders from engaging in bid-shopping;
- (b) Must not permit subcontractors to avoid or circumvent the provisions of paragraph (c) of subsection 1; and
- (c) Must, in addition to the requirements of section 31.5 of this act, provide a preference for Nevada subcontractors in a manner that is similar to, and with a preference that is equivalent to, the preference provided in NRS 338.1389.

3. Any determination by the Stadium Authority regarding the establishment of one or more procedures for competitive bidding, and any determination by a developer partner or its prime contractor, construction manager or project manager regarding the award of a contract to any bidder, is conclusive in the absence of fraud or a gross abuse of discretion.

Sec. 1.9. Section 48 of the Southern Nevada Tourism Improvements Act, being chapter 2, Statutes of Nevada 2016, 30th Special Session, at page 48, is hereby amended to read as follows:

Sec. 48. 1. Except as otherwise provided in sections 39 to 52, inclusive, of this act and notwithstanding any other provision of law to the contrary:

(a) Any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement entered into pursuant to sections 39 to 52, inclusive, of this act by the Campus Improvement Authority, the System or any related entity relating to the college football stadium project financed in whole or in part pursuant to sections 39 to 52, inclusive, of this act, and any contract, lease, sublease, lease-purchase agreement, management agreement or other agreement that provides for the design, acquisition, construction, improvement, repair, demolition, reconstruction, equipment, financing, promotion, leasing, subleasing, management, operation or maintenance, or any combination thereof, of the college football stadium project or any portion thereof, or the provision of materials or services for the college football stadium project are exempt from any law:

(1) Requiring competitive bidding or otherwise specifying procedures for the award of agreements of a type described in this paragraph;

- (2) Specifying procedures for the procurement of goods or services;
or
(3) Limiting the term of any agreement of a type described in this paragraph.

(b) The provisions of chapter 341 of NRS do not apply to the college football stadium project financed in whole or in part pursuant to sections 39 to 52, inclusive, of this act or to any agreement of a type described in paragraph (a).

(c) The provisions of chapter 338 of NRS do not apply to the college football stadium project financed in whole or in part pursuant to sections 39 to 52, inclusive, of this act or to any agreement of a type described in paragraph (a), except that:

(1) The provisions of NRS 338.013 to 338.090, inclusive, apply to any construction work to be performed under any contract or other agreement pertaining to the project even if the estimated cost of the construction work is not greater than \$250,000 or the construction work does not qualify as a public work, as defined in ~~subsection 17 of~~ NRS 338.010;

(2) Any person or entity that executes one or more contracts or agreements for the actual construction, alteration, repair or remodeling of the project shall include in such a contract or agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive; and

(3) The Campus Improvement Authority, any contractor who is awarded a contract or enters into an agreement to perform the construction, alteration, repair or remodeling of the college football stadium project and any subcontractor on the college football stadium project shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the State had undertaken the project or had awarded the contract.

2. The Campus Improvement Authority and any prime contractor, construction manager or project manager selected by the Campus Improvement Authority shall competitively bid all subcontracts involving construction which the Campus Improvement Authority determines can be competitively bid without affecting the quality of the college football stadium project. Any determination by the Campus Improvement Authority that such a subcontract can or cannot be competitively bid without affecting the quality of the project is conclusive in the absence of fraud or a gross abuse of discretion. The Campus Improvement Authority shall establish one or more procedures for competitive bidding which:

- (a) Must prohibit bidders from engaging in bid-shopping;
(b) Must not permit subcontractors to avoid or circumvent the provisions of paragraph (c) of subsection 1; and

(c) Must, in addition to the requirements of section 48.5 of this act, provide a preference for Nevada subcontractors in a manner that is similar to, and with a preference that is equivalent to, the preference provided in NRS 338.1389.

3. Any determination by the Campus Improvement Authority regarding the establishment of one or more procedures for competitive bidding, and any determination by the Authority or its prime contractor, construction manager or project manager regarding the award of a contract to any bidder is conclusive in the absence of fraud or a gross abuse of discretion.

Sec. 2. This act becomes effective on July 1, 2021.

Assemblyman Daly moved the adoption of the amendment.

Remarks by Assemblyman Daly.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 212.

Bill read third time.

Remarks by Assemblyman Ellison.

ASSEMBLYMAN ELLISON:

Senate Bill 212 allows a tow operator, as the authorized agent of the owner of the property, to affix to a motor vehicle in a residential complex a notice that provides the date and time the vehicle will be towed, if the tow operator and the owner of the property have entered into an agreement for that purpose. A vehicle may be towed immediately when a notice was previously affixed to the vehicle for the same or a similar reason within the residential complex, or three or more times for any reason during the immediately preceding six months, regardless of whether the vehicle was subsequently towed. Additionally, a vehicle may be towed immediately if it is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex. This bill is effective on July 1, 2019.

Roll call on Senate Bill No. 212:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 218.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Senate Bill 218 provides that when considering whether to issue an extended order for protection from domestic violence, a court may not consider any factors other than whether the petitioner was a victim of domestic violence or the threat thereof. The bill also increases the penalty for violating an extended protective order.

Roll call on Senate Bill No. 218:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 224.

Bill read third time.

Remarks by Assemblymen Carrillo, Carlton, and Flores.

ASSEMBLYMAN CARRILLO:

Senate Bill 224 provides that certain information about a member or retiree that is contained in a record or file of a public retirement system administered by the Public Employees' Retirement System Board is a public record. All other information regarding a member, retiree, or beneficiary that is contained in a record or file in the possession of a public retirement system is confidential. The measure also clarifies that the Board is prohibited from disclosing confidential information about a member or retiree to a third party unless the disclosure is necessary for the Board to carry out its duties.

ASSEMBLYWOMAN CARLTON:

Through you to the previous speaker, I wish to make sure I have the correct information. I was made aware that the bill was amended and actual names will now be relayed to the public. Is this correct? The identification number was removed but the name is now available to the public?

ASSEMBLYMAN FLORES:

That is correct.

ASSEMBLYWOMAN CARLTON:

I apologize for this; we did not have a chance to have a discussion about that. Being the wife of a state retiree, I would have some concerns—names being public. My husband and I have never shielded our address, never shielded our phone numbers; we have always been available. He was formerly in law enforcement, but having his name and retirement information available to the public gives me some concern. In this day and age with identify theft and how people will prey on older people—not that my husband is not competent enough to protect himself today, but there will come a day where someone might try to take advantage of this situation. So I do have concerns about this bill. I truly apologize to the body; I did not have a chance to share my concerns with the Chair on this bill. We have just been moving so fast, but I would regret not at least putting the concerns on the record.

Roll call on Senate Bill No. 224:

YEAS—24.

NAYS—Backus, Carlton, Edwards, Ellison, Hafen, Hansen, Hardy, Kramer, Krasner, Leavitt, Monroe-Moreno, Neal, Roberts, Titus, Tolles, Wheeler—16.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblywoman Miller.

ASSEMBLYWOMAN MILLER:

Senate Bill 267 requires the State Board of Education to adopt regulations to identify for each school the social and environmental factors that affect a student's educational experience. The Board must also consider these factors when making decisions that impact allocations of money, integrated student supports, salaries of school staff, and the discipline of students.

Roll call on Senate Bill No. 267:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 298 requires a recipient of a partial tax abatement for a renewable energy facility to keep or cause to be kept the records regarding employees of the facility and employees who worked on the construction of the facility. The bill additionally revises the definition of wages for the purposes of determining eligibility for a partial tax abatement. Senate Bill 298 also provides that the Director of the Governor's Office of Energy may include in the fee charged to an applicant who submits an application for a partial tax abatement for a renewable energy facility an additional reasonable amount to help sustain the work of the Office to support and expand renewable energy development.

Roll call on Senate Bill No. 298:

YEAS—35.

NAYS—Ellison, Hansen, Krasner, Titus, Wheeler—5.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 298 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblyman Smith.

ASSEMBLYMAN SMITH:

Senate Bill 300 requires the Public Utilities Commission of Nevada to adopt regulations establishing procedures for an electric utility to apply to the Commission for the approval of an alternative rate-making plan. The regulations must establish the alternative rate-making mechanisms that the utility is authorized to use to set rates during the time period of the plan. Senate Bill 300 repeals an existing provision that requires the Commission to investigate the impact of net metering on rates and to submit to the Legislature a biennial report concerning the investigation.

Roll call on Senate Bill No. 300:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Senate Bill 320 requires the State Board of Education to adopt regulations that provide for the identification of certain students for placement in advanced coursework. A school must place the student in such a course unless the student's parent or guardian submits written notice of their objection to the placement. If financial resources are available, the bill requires the board of trustees of a school district or the governing body of a charter school to establish certain advanced courses.

Roll call on Senate Bill No. 320:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 336.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Senate Bill 336 requires the Governor to annually proclaim July 28 to be "Buffalo Soldiers Day" in the state of Nevada. The proclamation shall bring to the attention of Nevada residents the important contributions Buffalo Soldiers made to the state of Nevada and the United States.

Roll call on Senate Bill No. 336:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 342.

Bill read third time.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

Senate Bill 342 revises provisions relating to animals that have been impounded, including due to charges of animal cruelty, and sets forth revised timelines, notices, and hearings that arise out of the impoundment.

Roll call on Senate Bill No. 342:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Daly.

ASSEMBLYMAN DALY:

Senate Bill 7 increases the penalties for the crime of soliciting a child for prostitution. For a first offense, the person is guilty of a category D felony; for a second offense, a category C felony; and for a third or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than one year and a maximum term of not more than six years, and may be further punished by a fine of not more than \$15,000. In addition, a person is guilty of soliciting a child for prostitution if the person solicits a peace officer who is posing as a child or a person who is assisting a peace officer by posing as a child. This bill is effective on July 1, 2019.

Roll call on Senate Bill No. 7:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 8.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 901.

AN ACT relating to sex offenders; revising provisions governing sex offenders who are under a program of lifetime supervision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain conditions to be imposed on sex offenders placed under a program of lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) In *McNeill v. State*, 132 Nev. ~~[Adv. Op. 54, 375 P.3d 1022]~~ **551** (2016), the Nevada Supreme Court held that the State Board of Parole Commissioners does not have the authority to impose conditions that are not enumerated in

NRS 213.1243 on sex offenders under a program of lifetime supervision. This bill authorizes the Board to establish additional conditions for sex offenders under a program of lifetime supervision that are similar to those placed on sex offenders released on parole, probation or a suspended sentence. This bill also provides that for purposes of prosecution of a violation of a condition imposed upon such offenders: (1) the violation shall be deemed to have occurred in the county that imposed the sentence of lifetime supervision, and may only be prosecuted therein, if the violation occurred outside this State; or (2) the violation shall be deemed to have occurred in the county in which the violation occurred, and may only be prosecuted therein, if the violation occurred in this State.

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

Section 1. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his or her current address.

4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an

amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.

5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 5 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the program of lifetime supervision 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.

9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that

extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

10. The Board shall require as a condition of lifetime supervision that the sex offender not have contact or communicate with a victim of the sexual offense or a witness who testified against the sex offender or solicit another person to engage in such contact or communication on behalf of the sex offender, unless approved by the Chief or his or her designee and a written agreement is entered into and signed.

11. *The Board shall require as a condition of lifetime supervision, in addition to any other condition imposed pursuant to this section, that the sex offender:*

(a) Participate in and complete a program of professional counseling approved by the Division, unless, before commencing a program of lifetime supervision, the sex offender previously completed a program of professional counseling recommended or ordered by the Board or the court upon conviction of the sexual offense for which the sex offender will be placed under a program of lifetime supervision.

(b) Not use aliases or fictitious names.

(c) Not possess any sexually explicit material that is harmful to minors as defined in NRS 201.257.

(d) Not enter, visit or patronize an establishment which offers a sexually related form of entertainment as its primary business.

(e) Inform the parole and probation officer assigned to the sex offender of any post office box used by the sex offender.

12. *If the sex offender is convicted of a sexual offense involving the use of the Internet, the Board shall require, in addition to any other condition imposed pursuant to this section, that the sex offender not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless ~~if~~*

~~*(a) The sex offender installs a device or subscribes to a service which enables the parole and probation officer assigned to the sex offender to regulate the sex offender's use of the Internet. ~~if~~ and*~~

~~*(b) The Board states in writing the circumstances for imposing such a condition.*~~ *The provisions of this subsection do not apply to a device used by a sex offender within the course and scope of his or her employment.*

13. *If the sex offender is convicted of a sexual offense involving the use of alcohol, marijuana or a controlled substance, the Board shall require, in addition to any other condition imposed pursuant to this section, that the sex offender participate in and complete a program of counseling pertaining to substance abuse approved by the Division, unless, before commencing a program of lifetime supervision, the sex offender previously completed a program of counseling pertaining to substance abuse recommended or ordered by the Board or the court upon conviction of the sexual offense for which the sex offender will be placed under a program of lifetime supervision.*

14. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.

~~12-1~~ **15.** For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision ~~11~~:

(a) In which the violation occurred outside this State, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, ~~within or~~ outside that county or ~~within or~~ outside this State ~~11~~; *or*

(b) In which the violation occurred within this State, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the violation occurred.

Sec. 2. The amendatory provisions of this act apply in the following manner:

1. If a person has already commenced a program of lifetime supervision as of the effective date of this act, any applicable, additional conditions of a program of lifetime supervision added by the amendatory provisions of this act apply to the person as of January 1, 2021.

2. If a person has not yet commenced a program of lifetime supervision as of the effective date of this act, any applicable, additional conditions of a program of lifetime supervision added by the amendatory provisions of this act apply to the person as of January 1, 2020, or the date on which the person commences a program of lifetime supervision, whichever is later.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 13.

Bill read third time.

Remarks by Assemblyman Leavitt.

ASSEMBLYMAN LEAVITT:

Senate Bill 13 authorizes a board of county commissioners to form a nonprofit corporation to aid the county during an emergency in providing to residents and visitors emergency assistance or any other governmental service such as social services or financial assistance.

Roll call on Senate Bill No. 13:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 15.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Senate Bill 15 changes from “mobile support units” to “incident management assistance” teams the name of units established by the Governor or the Governor’s designated representative to reinforce organizations for emergency management in areas stricken by a disaster or emergency.

Roll call on Senate Bill No. 15:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 33.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 33 requires certain insurers to exchange information with a program established by the Division of Welfare and Supportive Services to locate absent parents, establish paternity, and obtain and enforce child support not less than five days after opening certain bodily injury, wrongful death, workers’ compensation, or life insurance claims. If a claimant owes child support, the insurer must withhold the amount specified and remit it to the appropriate entity within 30 days.

Roll call on Senate Bill No. 33:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Senate Bill 35 creates the Nevada Resilience Advisory Committee whose 34 voting members are to be appointed by the Chief of the Division of Emergency Management.

The duties of the Committee and any subcommittees that may be appointed include developing state resilience goals and related objectives for the Committee; reviewing and making recommendations concerning certain grants and the coordination of statewide mitigation, preparedness, response, and recovery efforts; and developing an annual report to be submitted to the Nevada Commission on Homeland Security, the Governor, and the Director of the Legislative Counsel Bureau. Finally, the Committee is authorized to apply for and receive gifts, grants, contributions, or other money from various entities to carry out the provisions of this bill.

Roll call on Senate Bill No. 35:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Senate Bill 36 revises provisions relating to the purchase of real property by a local government. The measure revises the prohibition on selling or leasing real property for less than the highest appraised value to instead prohibit a board of county commissioners or governing body of a city from selling or leasing real property for less than the average of two independent appraisals, if two appraisals have been obtained, or the appraised value if only one appraisal has been obtained.

Roll call on Senate Bill No. 36:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 41.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 41 revises various provisions relating to teacher licensure, including eliminating the special qualifications license, revising requirements for early childhood licensure, and making various changes to the qualified provider.

Roll call on Senate Bill No. 41:

YEAS—39.

NAYS—Titus.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 42.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Senate Bill 42 repeals provisions requiring the use of alternative fuels in certain public fleets of motor vehicles in counties whose population is 100,000 or more, currently only Clark and Washoe Counties.

Roll call on Senate Bill No. 42:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 57 makes a blueprint of the layout of a public school confidential. The most current blueprint of the layout of a public or private school must be disclosed to a public safety agency upon its request. For public schools, the bill also authorizes such disclosure to certain other individuals or entities for purposes related to the school. Any blueprints received by such entities must not be disclosed, with certain exceptions.

Roll call on Senate Bill No. 57:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Senate Bill 66 renames the State Disaster Identification Team as the State Disaster Identification Coordination Committee and revises the membership and duties of the Committee. The Chief of the Division is authorized to activate the Committee or a subcommittee of the Committee during the existence of a state of emergency or declaration of disaster or a public health emergency or upon the request of a city or county in Nevada for an emergency in the city or county. The bill requires, to the extent feasible, providers of health care to report electronically to the Committee, on a form prescribed by the Committee, treatment of any person who comes in or

is brought in for treatment of an injury or illness which the provider concludes was inflicted or contracted as a result of a declared emergency or disaster during a public health emergency.

Roll call on Senate Bill No. 66:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Wheeler—2.

VACANT—1.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Senate Bill 67 creates the Nevada Tribal Emergency Coordinating Council within the Division of Emergency Management, Department of Public Safety. The Council is required to advise the Chief of the Division regarding emergency management on tribal lands; assist in the coordination of mitigation; and submit an annual report to the Chief detailing the Council's activities during the immediately preceding calendar year and recommendations relating to emergency management on tribal lands. The Chief must appoint not more than 27 members to the Council, each of whom must represent a federally recognized Indian tribe or nation that is located within Nevada. Finally, the bill makes it mandatory for a county to establish a local organization for emergency management.

Roll call on Senate Bill No. 67:

YEAS—39.

NAYS—None.

EXCUSED—Hambrick, Wheeler—2.

VACANT—1.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Senate Bill 73 revises provisions governing mobile gaming devices such that those devices are subject to the same rules and regulations as other gaming devices. Additionally, certain persons who acquire beneficial ownership of voting or non voting security or security debt in a publicly traded corporation must apply for a finding of suitability from the Nevada Gaming Commission.

Roll call on Senate Bill No. 73:

YEAS—38.

NAYS—Daly.

EXCUSED—Hambrick, Wheeler—2.

VACANT—1.

Senate Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 87 makes several changes concerning the Nevada Life and Health Insurance Guaranty Association. Among other things, the bill requires that long-term care benefits added to a life insurance policy or annuity contract by a member of the Association are protected in the event that a member insurer becomes unable to meet its obligations. It also requires health maintenance organizations that operate in this state to become members of the Association. Finally it provides that certain current limitations on the coverage obligations of the Association apply instead to health benefit plans.

Roll call on Senate Bill No. 87:

YEAS—39.

NAYS—None.

EXCUSED—Ellison, Hambrick—2.

VACANT—1.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Senate Bill 95 requires a medical facility to take any actions necessary to adhere to a diet that is ordered or prescribed for a patient, and it authorizes a licensed dietitian to order a diet or nutritional supplement for a patient.

Roll call on Senate Bill No. 95:

YEAS—39.

NAYS—Hafen.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Senate Bill 101 amends NRS 387.122 to revise the date that the Superintendent of Public Instruction must present the equity allocation model to the Legislative Committee on Education from not later than July 1 to not later than May 1 of each even-numbered year. Additionally, this bill adds the requirement that the Superintendent of Public Instruction shall adopt the equity allocation model after consideration of any recommendations of the Legislative Committee on Education.

Roll call on Senate Bill No. 101:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 121 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 131 revises existing deceptive trade laws to impose additional requirements related to the sale of tickets to athletic contests and live entertainment events. The bill prohibits a reseller, a secondary ticket exchange, or any affiliate from reselling or advertising to resell a ticket unless the reseller has constructive possession of the ticket or has a contract with a person who has the right to make the initial sale of a ticket; advertising or representing themselves as a primary ticket provider or rights holder without the prior contractual authorization from the rights holder; reselling a ticket prior to the ticket being made available to the public; and reselling or offering for resale a ticket if the person participated in or had the ability to control the use of an Internet robot or knew that the ticket was acquired with the use of an Internet robot.

Roll call on Senate Bill No. 131:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 136 revises the Tahoe Regional Planning Compact by changing the composition of the Board of Directors of the Tahoe Transportation District. The bill adds appointees chosen by the Governor of Nevada and the Governor of California. This bill is effective upon enactment of substantially identical revisions to the Compact by the state of California.

Roll call on Senate Bill No. 136:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Remarks by Assemblywoman Munk.

ASSEMBLYWOMAN MUNK:

Senate Bill 147 requires each public school and charter school that enrolls students at the high school level to identify whether a student is homeless, unaccompanied, or living in foster care and to review and adjust such a student's academic plan, as appropriate, to maximize accrual of credits and progress towards graduation. This measure authorizes a public school to award such students full or partial credit for a course regardless of the student's attendance or hours of classroom instruction received if the student completes the coursework in compliance with procedures adopted by the board of trustees of a school district or sponsor of the charter school.

Roll call on Senate Bill No. 147:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Gorelow.

ASSEMBLYWOMAN GORELOW:

Senate Bill 185 clarifies existing law concerning background checks for school volunteers who will have regular or unsupervised contact with students, including volunteers at achievement charter schools. The bill further declares unenforceable the State Board of Education regulation allowing certain exemptions from a background check and instead clarifies what exemptions are allowed.

Roll call on Senate Bill No. 185:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 203 revises provisions governing programs for children who are blind, visually impaired, deaf, or hard of hearing. The bill authorizes the Director of the Department of Health and Human Services to establish a program to negotiate discounts and rebates for hearing devices and related costs for children in Nevada who are deaf or hard of hearing. In addition, S.B. 203 requires the Aging and Disability Services Division of the Department to develop and administer a program whereby any child under 13 years of age who is hard of hearing may apply to obtain a hearing aid at no charge. Applications must be awarded to the extent that money is available.

Roll call on Senate Bill No. 203:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblymen Kramer.

ASSEMBLYMAN KRAMER:

Senate Bill 208 revises provisions related to the practice of cosmetology by removing electrolysis from the definition of a cosmetologist and including eyelash extensions and eyelash perming in the practice of esthetics. The bill also reduces the number of hours of training required for admission to the examination to be licensed as a hair designer and as an esthetician. Finally, the bill revises provisions for issuing and activating a license for a cosmetological establishment. This bill is effective on July 1, 2019.

Roll call on Senate Bill No. 208:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 220.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 220 prohibits an operator of an Internet website or online service from selling certain personally identifiable information collected from a consumer. The bill requires an operator to respond to a customer's verified request with 60 days of receipt. Finally, the bill excludes from the definition of "operator" certain financial institutions and entities that are subject to certain federal laws concerning privacy and certain persons who manufacture, service, or repair motor vehicles.

Roll call on Senate Bill No. 220:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed.

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 4:18 p.m.

ASSEMBLY IN SESSION

At 4:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 233, 236, 239, 243, 252, 253, 258, 279, 302, 316, 347, 362, 400, 477, 480, and 491; Senate Joint Resolution No. 1 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 Senate Bill No. 397 be taken from the Chief Clerk's desk and placed at the top of General File.

Motion carried.

Assemblywoman Carlton moved that the Assembly rescind the action whereby Senate Bill No. 207 was rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 397.

Bill read third time.

The following amendment was proposed by Assemblywoman Spiegel:

Amendment No. 872.

AN ACT relating to contractors; authorizing a contractor, under certain circumstances, to perform work for which the contractor does not have a license in the applicable classification or subclassification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires a person to be licensed as a contractor to engage in the business of constructing, altering or repairing any structure or other improvement. (NRS 624.020, 624.700)

Existing law also requires the State Contractors' Board to adopt regulations for the classification and subclassification of contractors, and authorizes the Board to limit the field and scope of the operations of a licensed contractor to those in which the contractor is classified. (NRS 624.220) However, existing law provides various exceptions to the licensure requirement for contractors, such as when a person, under certain circumstances, performs work to repair or maintain property when the value of the work, including both labor and materials, is less than \$1,000. (NRS 624.031) Existing law also authorizes a specialty contractor to perform work for which the contractor does not have a license of the appropriate classification or subclassification when that work is incidental and supplemental to the performance of work for which the contractor is appropriately licensed. (NRS 624.220) **Section 4** of this bill authorizes a licensed contractor to perform work for which the contractor does not have a license in the applicable classification or subclassification if: (1) the value of the work is less than \$1,000 and does not require a permit; and (2) the work is not of a type performed by a plumbing, electrical, refrigeration or air-conditioning contractor. **Sections 2, 3 and 5** of this bill make conforming changes relating to **section 4**.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 624.212 is hereby amended to read as follows:

624.212 1. The Executive Officer, on behalf of the Board, shall issue an order to cease and desist to any person:

(a) Acting as a contractor, including, without limitation, commencing work as a contractor; or

(b) Submitting a bid on a job situated in this State,
↪ without an active license of the proper classification issued pursuant to this chapter. The order must be served personally or by certified mail and is effective upon receipt.

2. If it appears that any person has engaged in acts or practices which constitute a violation of this chapter or the violation of an order issued pursuant to subsection 1, the Board may request the Attorney General, the district attorney of the county in which the alleged violation occurred or the district attorney of any other county in which that person maintains a place of business or resides to apply on behalf of the Board to the district court for an injunction restraining the person from acting in violation of this chapter. Upon a proper showing, a temporary restraining order, a preliminary injunction or a permanent injunction may be granted. The Board as plaintiff in the action is not required to prove any irreparable injury.

3. In seeking injunctive relief against any person for an alleged violation of NRS 624.700, it is sufficient to allege that the person did, upon a certain day and in a certain county of this State:

(a) Act as a contractor, including, without limitation, commence work as a contractor; or

(b) Submit a bid on a job situated in this State,
 ↪ without having an active license of the proper classification issued pursuant to this chapter, without alleging any further or more particular facts concerning the matter.

4. The issuance of a restraining order or an injunction does not relieve the person against whom the restraining order or injunction is issued from criminal prosecution for practicing without a license.

5. If the court finds that a person willfully violated an order issued pursuant to subsection 1, it shall impose a fine of not less than \$250 nor more than \$1,000 for each violation of the order.

6. *For the purposes of this section, a person shall be deemed to have ~~an active~~ a valid license ~~of the proper classification~~ if the person has an active license and is performing work in conformity with the requirements of subsection 4 of NRS 624.220.*

Sec. 3. NRS 624.215 is hereby amended to read as follows:

624.215 1. For the purpose of classification, the contracting business includes the following branches:

- (a) General engineering contracting.
- (b) General building contracting.
- (c) Specialty contracting.

↪ General engineering contracting and general building contracting are mutually exclusive branches.

2. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works, including irrigation, drainage, water supply, water power, flood control, harbors, railroads, highways, tunnels, airports and airways, sewers and sewage disposal systems, bridges, inland waterways, pipelines for transmission of petroleum and other liquid or gaseous substances, refineries, chemical plants and industrial plants requiring a specialized engineering knowledge and skill, power plants, piers and foundations and structures or work incidental thereto.

3. A general building contractor is a contractor whose principal contracting business is in connection with the construction or remodeling of buildings or structures for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in their construction the use of more than two unrelated building trades or crafts, upon which he or she is a prime contractor and where the construction or remodeling of a building is the primary purpose. Unless he or she holds the appropriate specialty license, a general building contractor may only contract to perform specialty contracting if he or she is a prime contractor on a project. ~~†A†~~ ***Except as otherwise provided in subsection 4 of NRS 624.220, a general building contractor shall not perform specialty contracting in plumbing, electrical, refrigeration and air-conditioning or fire protection without a license for the specialty. A person who exclusively constructs or repairs mobile homes,***

manufactured homes or commercial coaches is not a general building contractor.

4. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

5. This section does not prevent the Board from establishing, broadening, limiting or otherwise effectuating classifications in a manner consistent with established custom, usage and procedure found in the building trades. The Board is specifically prohibited from establishing classifications in such a manner as to determine or limit craft jurisdictions.

Sec. 4. 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.

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 ~~it~~ :

(a) 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.

(b) *Except as otherwise provided in this paragraph, a licensed contractor from performing work of a type for which the contractor does not have a license in the applicable classification or subclassification if the value of the*

work is less than \$1,000, including labor and materials, and the work does not require a permit. A licensed contractor shall not perform work of a type for which the contractor does not have a license in the applicable classification or subclassification if the work is of a type performed by a plumbing, electrical, refrigeration or air-conditioning contractor.

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.

Sec. 5. NRS 624.341 is hereby amended to read as follows:

624.341 1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a person has:

(a) Acted as a contractor without an active license of the proper classification issued pursuant to this chapter, the Board or its designee, as appropriate, shall issue or authorize the issuance of a written administrative citation to the person.

(b) Committed any other act which constitutes a violation of this chapter or the regulations of the Board, the Board or its designee, as appropriate, may issue or authorize the issuance of a written administrative citation to the person.

2. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;

(b) An order to pay an administrative fine not to exceed \$50,000, except as otherwise provided in subsection 1 of NRS 624.300; and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate the complaint.

3. If a written citation issued pursuant to this section includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the person receives the citation, and specifically describe the action required to be taken.

4. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

5. The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

6. For the purposes of this section, a person shall be deemed to have an active license of the proper classification if the person has an active license

and is performing work in conformity with the requirements of subsection 4 of NRS 624.220.

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

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 296 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 350.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Senate Bill 350 transfers the authority governing the awarding of Nevada Promise Scholarships from each Nevada community college to the Board of Regents and requires that entity to administer the program.

Roll call on Senate Bill No. 350:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Senate Bill 364 prohibits medical facilities, facilities for the dependent, and certain other facilities from discriminating against a patient or resident based on the actual or perceived age, ancestry, color, gender, gender identity or expression, human immunodeficiency virus status, national origin, physical or mental disability, race, religion, or sexual orientation of the patient or resident or a person with whom the patient or resident associates. The bill requires the State Board of Health to adopt regulations. The measure also requires any agents or employees of such facilities who provide care to a patient to receive training concerning cultural competency.

Roll call on Senate Bill No. 364:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Titus, Wheeler—7.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Senate Bill 367 authorizes a tenant of housing acquired, constructed, or rehabilitated with any money from the Account for Low-Income Housing in the State General Fund to keep one or more pets within the residence of the tenant in accordance with applicable laws and ordinances. The bill defines “pet” as any domesticated bird, cat, dog, or aquatic animal or other animal kept for pleasure and not commercial use. The provisions of this bill do not apply to service animals or service animals in training.

Roll call on Senate Bill No. 367:

YEAS—33.

NAYS—Edwards, Ellison, Hafen, Hansen, Kramer, Titus, Wheeler—7.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Remarks by Assemblywoman Krasner.

ASSEMBLYWOMAN KRASNER:

Senate Bill 368 makes changes regarding sexual assault, sex trafficking, and victims of crime. Among these provisions, the bill creates a rebuttable presumption that sexual conduct by a person in a position of authority over an alleged victim is not consensual, prolongs the length of time that an extended protection order may remain in effect, and provides for the vacation and sealing of records when a child who was adjudicated delinquent for certain acts associated with prostitution is found to be a victim of sex trafficking. The bill also establishes the Sexual Assault Survivors’ Bill of Rights.

Roll call on Senate Bill No. 368:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 382.

Bill read third time.

Remarks by Assemblywoman Backus.

ASSEMBLYWOMAN BACKUS:

Senate Bill 382 consolidates definitions and clarifies various terms concerning deeds of trust, liens, notices of waiver, conveyances, and nonresidential common-interest communities.

Additionally, the bill revises requirements concerning amendments to unit boundaries and allocated interests in residential units within a common-interest community, and it clarifies that the requirement that a unit owner's association must provide written notice to unit owners within ten days of commencing a civil action applies only to civil actions upon which the unit owners are entitled to vote.

Lastly, the measure revises from quarterly to at least annually the frequency with which Home Means Nevada, Inc. must submit a report to the Interim Finance Committee concerning the program of foreclosure mediation and the operational and financial status of Home Means Nevada, Inc. and its annual audit and tax returns.

Roll call on Senate Bill No. 382:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 385.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Senate Bill 385 provides for the regulation of and issuance of licenses to persons who offer, sell, solicit, or negotiate coverage under a new limited line of insurance, personal property storage insurance, which provides coverage for any loss or theft of personal property stored in a storage space at a facility or while the property is in transit to or from the facility during the time period covered by the occupant's rental agreement in accordance with the terms of the policy. The bill authorizes the Commissioner of the Division of Insurance of the Department of Business and Industry to issue a license to an owner of such a storage facility. The bill requires the Commissioner to adopt regulations for issuing such a license and provides that the Commissioner may establish the fees for application and renewal for such a license.

Roll call on Senate Bill No. 385:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 385 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

Remarks by Assemblyman Roberts.

ASSEMBLYMAN ROBERTS:

Senate Bill 394 requires the Department of Motor Vehicles [DMV], after each regular session of the Legislature, to prepare and disseminate information to the public regarding new and amended traffic laws on their Internet website. In addition, the DMV may consult with the Office of Traffic Safety, Department of Public Safety, in preparing and disseminating this information.

Roll call on Senate Bill No. 394:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblyman Carrillo.

ASSEMBLYMAN CARRILLO:

Senate Bill 395 authorizes the Director of the Department of Public Safety to designate certain Department vehicles as authorized emergency vehicles. The bill also authorizes a tow car and a vehicle owned by a person who contracts with the Department of Transportation to aid motorists or mitigate traffic incidents to be equipped with rear facing lamps that emit nonflashing blue light. The measure also provides that a property owner must give notice to law enforcement regarding a nonconsensual tow of a vehicle from the property only if the notice has not been provided by the tow car operator.

Roll call on Senate Bill No. 395:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Senate Bill 396 defines the term “state” to mean “a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the United States Virgin Islands” for the purposes of issuing a driver’s license and identification card.

Roll call on Senate Bill No. 396:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 398 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 403.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Senate Bill 403 requires a public school, including a charter school and a university school for the profoundly gifted, and a private school to post on its website information related to school service providers and data security before allowing a student to use a service. A school service provider must give notification if there is a breach of the data or a data security plan. Finally, S.B. 403 revises provisions governing targeted advertising and the use of student data by a school service provider. A student's personally identifiable information may be used for performing certain research required or authorized by federal or state law.

Roll call on Senate Bill No. 403:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 407.

Bill read third time.

Remarks by Assemblyman McCurdy.

ASSEMBLYMAN MCCURDY:

Senate Bill 407 eliminates provisions requiring an applicant for certification as a land surveyor intern or engineering intern to obtain four years of work experience and repeals provisions authorizing the State Board of Professional Engineers and Land Surveyors to waive certain education requirements to issue a license. Additionally, the bill eliminates provisions requiring a full-time professional engineer or land surveyor to be employed at each location and supervise all of the work performed at each place of business that engages in engineering or land surveying. The bill authorizes the Board to issue an order to cease and desist against a licensee, firm, partnership, corporation, or other person for violating a provision governing the practices of professional engineering and land surveying. Also, the bill makes it a gross misdemeanor for a person not licensed or exempted by the Board to use the term "engineer," "engineering," or "engineered" only in connection with a discipline licensed by the Board.

Finally, the bill expands the state's policy declaration to protect and perpetuate public land survey corners and places certain restrictions on the use of a record of such corners.

Roll call on Senate Bill No. 407:

YEAS—40.

NAYS—None.

EXCUSED—Hambrick.

VACANT—1.

Senate Bill No. 407 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 Senate Bill No. 86 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 207 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 414 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

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

Assembly in recess at 4:58 p.m.

ASSEMBLY IN SESSION

At 5:16 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that all rules be suspended, reading so far having 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 the General File through May 24, 2019.

Assemblyman Edwards called for a division of the house.

Sustained by Assemblywomen Hansen and Titus.

Motion carried on a division of the house.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 311, 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 announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:17 p.m.

ASSEMBLY IN SESSION

At 5:23 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Assembly Committee on Legislative Operations and Elections.

For: Senate Bill No. 50.

To Waive:

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: May 23, 2019.

SENATOR NICOLE J. CANNIZZARO

ASSEMBLYMAN JASON FRIERSON

Senate Majority Leader

Speaker of the Assembly

Senate Bills Nos. 86, 113, 121, 140, 150, 164, 172, 181, 186, 219, 233, 236, 239, 243, 252, 253, 258, 279, 296, 302, 311, 316, 341, 347, 356, 362, 387, 400, 414, 428, 429, 430, 435, 436, 441, 442, 451, 452, 456, 457, 460, 461, 462, 463, 465, 469, 470, 476, 477, 479, 480, 481, 482, 486, 491, and 520; Senate Joint Resolutions Nos. 1, 4, and 7; Senate Joint Resolutions of the 79th Session 1 and 3 were taken from the General File and placed on the General File for the next legislative day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Meagher and Lance Arberry.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Pasquale Iovinella.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Henderson International School: Nick Adams, Amwaj Almukahhal, Elli Winterscheidt, Layla Almukahhal, Gianna Greco, Camden Holder, Maiah Maile, Tommie Olinger, Charley Ellis, Zoe Evans, Caitlin Welch, Ava Connor, Adya Garlapati, Hadley Koch, Danica Angulo, Simon Yager-Pinfil, Isabella Montoya, Odin Thiessen, Carter Cogburn, John Bratu, Gavin Peck, Drake Findlay, Alexis Powell, Camille Schwartz, Katharina Vogel, Keegan Wilder, Chris Carpenter, Sammi Ellis, Jonoah Javier, Ryan Kerio, Emma Yager-Pinfil, Kiara Clarke, Emery Connors, Elle

Seitman, Grayson Kohler, Haley Mcconnell, Brooklyn Ross, Danica Ventura, Brandon Vennettilli, Robert Carlisle, Nakisa Friedman, Molly Heenan, Yvette Singletary, Deena Wilder, Gary Joseph, Riki Seybert, Kathy K, Bianka Papp, Pamela Yager, Sabrina Seitman, April Winterscheidt, and Nicole Koch.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Incline Elementary School: Jesus Aguilar Morales, Jesus Aguirre Gomez, Jose Aldana Alonso, Alynne Chavez Estrada, Taylor Finne, Autumn Hoida, Richard Holguin, Bella Jacob, Gregoria Jimenez Soto, Curtis Kennedy, Carl Kurashewich Iv, Emmanuel Limon, Marcos Machuca, Azedah Medina, Yesenia Padilla Guzman, Donovan Patricio, Andrew Perez Valadez, Marely Ramirez Zuniga, Miguel Sanchez Garcia, Alexis Soto, Lexi Spiker, Savina Spillman, Sage Titus, Casey Tocchetti, Aaron Vargas Dominguez, Braydon Wilkerson, Andrew Bodel, Cristian Chavez Guerrero, Neils Day, Alicia Dominguez, Willemina Dukes, Veronica Efimkin, Sofia Galindo Jimenez, Jorge Garcia Valdes, Diego Garcia Salgado, Katelynn Gonzalez Ramirez, Chloe Greer, Jesus Herrera Avila, Teak Kiesel, Allen Lopez Callejas, Anahi Luna Ruiz, Lucas Macdonald, Logan Modesto Aguirre, Maria Negrete, Elijah Olson, Helen Ortega Salazar, Reed Payne, Guadalupe Ramirez Avila, Omar Ramirez Urzua, Victor Smith, Georgia Stembridge, and Chase West.

On request of Assemblywoman Spiegel, the privilege of the floor of the Assembly Chamber for this day was extended to Brad Scribner.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Rufus Devers.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, May 24, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:25 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly